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VOL. III

V. K. Krishna Menon's Statements in the Security Council

15—21 February 1957

पं० इन्द्र विद्या वाचस्पति प्रदत्त संग्रह

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UNITED NATIONS SECURITY COUNCIL
NEW YORK

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चन्द्रलोक, जवाहर नगर
दिल्ली द्वारा
गुरुकुल कांगड़ी पुस्तकालय को
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I.—Seven hundred and Sixty-ninth meeting, 15 February 1957.

II.—Seven hundred and Seventy-second meeting, 20 February 1957.

III.—Seven hundred and Seventy-third meeting, 20 February 1957.

IV.—Seven hundred and Seventy-fourth meeting, 21 February 1957.

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I believe, you reminded the Council this morning that its proceedings would centre around the draft resolution or at least I gathered that impression. Since there have been reasonably long debates on the general issue, I propose to confine myself to the draft resolution initiated by the United Kingdom and the United States and now sponsored by Cuba and Australia. The operative part of this draft resolution requests the President of the Security Council, the representative of Sweden, to examine with the Governments of India and Pakistan proposals to visit, so far as we are concerned, India for this purpose and invited the Government of India to cooperate.

Before I enter into the substance of this matter and in order that the position of my delegation, my Government and my people should be understood, not only in this Council but in the outside world, I should like to state here and now that, so far as we are concerned, Mr. President, your counsel, your country, the high office you hold and your person are held in high respect in India and you would be welcome at any time. But the question of the functional character of operations you propose to undertake would be another matter which we would have to discuss in substance. Therefore, the traditional hospitality of our country would not be disregarded even in the face of the Security Council resolution with which we may find ourselves in disagreement.

Having got that out of the way, I would like now to refer to the subject matter that is before us this afternoon. There have been several speeches. The majority of them, if not all of them, purport to be based upon statements made by India and Pakistan and, for the greater part, refer to the statement that I made in this Council. Therefore, it becomes necessary for me to deal with the more relevant parts of them, because it is impracticable to deal with them paragraph by paragraph. First of all, I do not have the script with me and, secondly, it will become interminably long. After that I will try to examine this draft resolution and deal with its more important aspects as far as the text concerns us.

Next, I will try to convey to the Security Council what are its consequences. I do not mean short-term consequences of how members of the Council vote. What are its consequences with respect to peace and stability in our part of the world, with respect to public opinion not only in India but in South-east Asia, with the exception of parts of Pakistan and with respect to the purported objective of the draft resolution itself? These are obligations I owe to the Council. Some of them may not be welcome to those who are authors of other observations. But my duty here is not to reflect the will of other governments but to reflect, as far as I can, the will of my people and my Government and to convey to you the state of affairs.

It is not so long ago that for the sake of peace, and in order not to drive certain issues to differences, we came to an agreement with the then British Government of the day to station a supreme command on the frontiers of Pakistan and India. It was one of the great tragic decisions we took, dictated largely by the necessities of the situation. I do not think either of our countries had made a more sad decision because as a result of that came the great slaughter of 1947 with respect to which my Prime Minister took it into his head to dissolve the force.

The first statement was made by the representative of the United Kingdom for whom we have very great respect. With his country we had relations of one kind and we have relations of another kind today. Those relations have been strained considerably by the British adventure in the Middle East and now their adventure

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in regard to Kashmir but, so far as we are concerned, we would do our best not to allow these individual actions on the part of the United Kingdom Government—not of its people, fortunately—to come in the way of more substantial relations that should exist between our countries. But I would be doing no service to this Council or indeed to the United Kingdom or to very many friends that we have there and with whom we have been in such close relationship, if I did not indicate to them the enormous, deep and very vehement feelings in India at the present time in regard to the United Kingdom. The United Kingdom might easily retaliate by saying: We felt somewhat like that when you took a certain position in another matter. Of course, that is one way of looking at it.

Sir Pierson Dixon, after tracing the history of this matter, said that finally, after failure of various missions, to which I shall come back in a minute, the breakdown of direct negotiations was due to extraneous causes. We had, during the course of this debate, largely because of our concern about Indo-American relations and in order to avoid introducing issues of cold war outside the Kashmir question and, what is more, in the hope that the present lapse from fortitude and wisdom in this matter is temporary, not referred to them but "the extraneous consideration" to which Sir Pierson Dixon referred was the military agreement between the United States and Pakistan.

Our views on this matter are very well known and there is no doubt—and again one must state facts of the case—that the added military strength of Pakistan by the supply of very considerable quantities of war material to that country, of which we have some knowledge, has certainly altered the situation. But it would be equally wrong to say that that only changed the condition or, indeed, the reason for direct talks between Mr. Mohammed Ali, the former Prime Minister of Pakistan, and afterwards someone else, and my Prime Minister was due to this one fact alone. It did weigh considerably. There is no doubt about it. What is more we, at that time, said that in relation to Kashmir we could not consider the United States as being neutral and for that reason and with utmost politeness we suggested that the observers of the United States nationality were not the best people to serve on the cease-fire line.

They responded with equal politeness and we resolved that situation as between two countries who have no desire to exaggerate a difficulty.

I regret that this matter has come up because I have been at great pains to avoid this, but it was referred to by a close ally of the United States and it is not my practice to run away from any argument that has been put forward. So that is that. So this extraneous relationship, if it is one of factors, was not a factor that broke it down.

Sir Pierson Dixon made other statements. I picked out that speech because that is the keynote speech, as they call it in this country. Other speeches follow, more or less on that line with the exception of a speech from Colombia; that is, it lays stress on what is called demilitarization. This word "demilitarization" for this purpose must be interpreted with the connotation that it has derived through the years by negotiation.

In spite of the Security Council having heard my voice for so long, perhaps, members would be so kind, even if they did not read one per cent of the papers before them, which is impossible because there is so much of it, as to at least refer to these resolutions and point out to me any place where there is a reference to demilitarization. Demilitarization is a phase and a problem, as it is now pinpointed, which arose as one of the methods for creating conditions under Part II of the agreement of 13 August. It is very important for us to refer to this in view of other suggestions in the resolution. The whole of the picture seems to be covered by demilitarization but we are prepared to face this in this way.

When either the United States or the United Kingdom speaks to us about the importance of demilitarization they have to take into account certain factors. In Kashmir, which the legitimate Government of Kashmir administers, there are units of the Indian Army. I want to explain this. The Indian Army in Kashmir is not a foreign army any more than we have a foreign army in Bombay. Kashmiris pay for it like everybody else. That is, certain units of the army of the Indian Union are in the constituent State of Kashmir. They are easily identifiable. They have no uniforms that are not army uniforms. Their divisions and their numbers are well known. In addition to this we have in Kashmir approximately 6,000 men belonging to the Kashmir Militia. These are published figures, or if they are not, I shall publish them and I take the responsibility for doing so. There are 6,000 men who belong to the Kashmir Militia, who are a kind of territorial force, a State force largely of an armed police character intended for internal security and the like. That is the total strength of our military position in Kashmir, far below what it was at the time of the cease-fire.

On the other side, according to our information which normally is reliable in regard to Pakistan military dispositions, there are 45 battalions of the South Kashmir forces. There were 35 at the time of cease-fire. Now, there are 45 battalions of the South Kashmir forces, officered by men of the Pakistan Army. If the Security Council has any doubt about it we shall some day be willing to furnish you their names, their ranks and their particulars from available sources. They are officered, trained and equipped by the Pakistan Army. They are not polished soldiers. They are artillery regiments, cavalry, tank corps and so on. There were 35 and now there are approximately 45 battalions of these troops. In addition, as Mr. Firoz Khan Noon admitted the other day by implication, Pakistan Army itself is there because he said he would withdraw it, and you cannot withdraw what is not there. Therefore, in addition there is the Pakistan Army itself. When we speak about demilitarization we have to think of this military element and what is demilitarizable.

Add to that two other factors. There are commandos that are being trained of which there are 800 in school at any time. When they are finished, they are thrown back into the population.

They are another military element in the situation just across our border mainly in the population. This is not in the whole of the Pakistan-occupied area because over the whole of the Pakistan-occupied area, in Giligit, Baltistan and so on these factors do not apply so much but in this small area where they have half a million people in addition to that, as I pointed out the other day, there is today an army in Pakistan which is out of proportion to the relations established at the time of partition. They have well over 200,000 men equipped not only with normal equipment that comes from the United Kingdom under the usual purchase arrangements but with considerable supply of military material that comes from the United States in pursuance of military agreements which are not directed against us, so far as the United States is concerned—and we accept that situation so far as the United States is concerned. They are within very short distances of our frontier. I gave the Security Council mileages the other day.

Therefore, when we speak about demilitarization we must take all these elements into consideration and set them side by side with two other factors. You, gentlemen, here representing Member States are not merely concerned about passing resolutions but about their vast social, political and world consequences. Let us set these factors side by side with two others.

One of these constitutes remarks made by the representative of Pakistan outside his printed text when he first spoke here. He stated:

> Here I would like to say that it is sometimes argued by India that everything is peaceful, so why bother about Kashmir? I warn you (Krishna Menon: He warns the Security Council) that is calm before the storm. Everything is not peaceful. We have just seen a telegram which states that on 11 January our Minister for Information, Mr. Amir Azam Khan made a statement in Karachi that Indians have massed their troops on our border. (Krishna Menon: A statement which I contradicted the other day).

The representative of Pakistan then went on to say: "Please do not be misled by the fact that we are peaceful, that we want a peaceful solution".

This is exactly the pattern and there may be those who remember this fact that occured in 1947. We were told: "Wolf, wolf" at that time, "it is coming, it is coming, after all we cannot stop them". And then they came and the Pakistan Army came afterwards.

The *Daily Telegraph* of London—a paper which is not friendly to India—carried on 11 February an interview with Sardar Abdul Qaiyum Khan, who is the head of the "Azad Government". I shall not read the whole of the interview but this is part of what he said:

> It is coming to a fight in Kashmir (Krishna Menon: This is issued not from "Azad Kashmir" but from the office of Kashmir Affairs in Karachi) whether people like it or not. We have no altenative left and I told the Pakistan Government this. I had expected that we should be fighting by December or January but certain factors intervened. (Krishna Menon: The fact of the United States elections, and therefore the Security Council was put off). I now think it is certain there will be fighting this year, perhaps, even in a few weeks. (Krishna Menon: When the correspondent raised the plebiscite issue, the President said). The recent Security Council notice was encouraging politically (Krishna Menon: That is also borne out by the testimonial to the United Kingdom Government by the Pakistan Prime Minister to which I shall refer in a moment) but Kashmiris want to see some results at last, if not by diplomacy, then by war. India will never agree to a free plebiscite. India has occupied most of Kashmir and has poured money into its organization. She knew that Kashmiris, in a free vote, would never opt for India so Nehru would be crazy to agree to a plebiscite, and I do not think he is crazy. (Krishna Menon: That is only part of it that is true. He continued). It will be the people's war: we know our country. In Kashmir we can give Indians hell. We are much better equipped (Krishna Menon: This is another truthful fact) now than in the former fighting when we often had not more than five rounds per man.

The President went on to point out that "Azad Kashmir" was not a party to the cease-fire agreement—this again is the pattern of 1947—and, therefore, was not bound by it. He said:

> If the United Nations would leave the matter in the hands of Azad Kashmir fighting men for just a few weeks the question would be solved. Nehru only understands that kind of language. He would come running to the United Nations begging them to intervene on his behalf. We can turn both flanks of the Indians.

This is only a sample of what is going on. I want to report to the Security Council, in all conscience, that in the course of this vast election campaign that is going on in India where we are addressing, as I stated the other day, an electorate of 199 million people, all this has been injected. I state to the Security Council, in all conscience, that efforts of our leaders at the present moment are to exercise restraint upon the people so that they should not become inflamed. I could quote to the Council, if there was time, speeches made by the Prime Minister in this connection when he says that if misfortune should befall us by way of an attack we shall meet it with fortitude and calm but there was no need to get excited.

Normally, this does not very much matter but we had a dress rehearsal of it and we had a performance afterwards so that this is a repeat performance. When the Security Council passes resolutions which have the effect of unsettling events—unsettling events in Pakistan, in the occupied areas and in Jammu and Kashmir and in the whole of India—then it takes upon itself the responsibility which fortunately for itself it will not have to shoulder while the people of India will have to shoulder it. I hope that my good friend, General Carlos Romulo, the representative of the Philippines will not say that I was admonishing the Council. I shall come to that in a moment.

That is the background of what my colleague refers to as decrease intension. Unless this is measured in reverse terms with the whole thermometer upside down I do not see how this can mean decrease in tension. There is decrease in tension between Pakistan and India in certain other matters, particularly, between Eastern Pakistan and India with which we have concluded trade agreements and where the population is less inflamed by these matters. Efforts there to decrease communal tension have been successful. Therefore, when we speak about demilitarization and decrease in tension these matters have to be understood.

While I am on this point I might deal with one other matter because my Government is very anxious and very concerned that no statement of ours or any errors of omission or commission should afterwards be charged up to us as a commitment. We have suffered by moderation. We have suffered by reasonableness in our proceedings before this Council. Every time we have considered a hypothetical proposition and every time we have agreed to embark upon an exploration it has been charged up against us as a commitment. Therefore, I want to say here and now that whatever mathematical calculations were made with regard to 6,000 or 3,000 or 13,000 or 20,000 in various previous negotiations they no longer hold true because no offer that is not accepted is a binding contract either in the case of individuals or in the case of nations. Otherwise we should have a number of floating commitments and no country would know where it stood. In the course of long negotiations all kinds of offers are made. If the Secretary General were to be committed to many suggestions which he must have made in the past 60 days—some of them inadvertently and some of them with the desire that the other person might think it was inadvertent—then we would be in an awkward position. The same thing is true with respect to a government.

Therefore, I want to say here and now, Mr. President, that if you were to go to India or if anyone else were to go it would be no use telling us that we agreed to this and that at the time and that "now, therefore, you are committed to it". We agree to nothing—we discuss all these proposals. They must all be considered as with any problem in the context of time—we agree to things to which we are parties.

That brings me to the next proposition put forward by the representative of the United Kingdom. He said quite rightly that it is common ground between Pakistan and India that the only obligations appearing in this matter are the resolutions of 13 August 1948 and 5 January 1949. But Sir Pierson Dixon would feel flattered by the fact that I was educated in a system for which he has very great appreciation and, therefore, take care to be precise in language. I said that the only obligations we "had" undertaken—and although English is rather sparse in grammar, it does have tenses—were these two agreements. It is quite true that my distinguished colleague said the other way. I do not say that his language is more precise but he has more friends around this Council than I have and, therefore, he does not have to be so much forewarned. And I suppose that General Romulo would say that I am by nature suspicious. Of course, he is wrong.

At any rate we say that these resolutions of 13 August 1948 and 5 January 1949 are our only engagements—and I use the word "engagements" very deliberately. I said that they could be elevated to the form of treaties if they were formal. But what we said was that the only international engagements are the two UNCIP resolutions—and this is recounting history at the present time. I do not object to the statement made by the distinguished representative but it bears the inference that this stands by itself, without any further progress in that matter or any past history.

Those engagements have to be understood in the context of all that was said at that time. That becomes necessary because someone is likely to say: "Well, here are these resolutions. It is quite true that you did not get anywhere with them. Why do not we start on them tomorrow morning? Well, tomorrow is Saturday and on Sunday we go to church; so we will start on Monday".

That would not work because you have to take all surrounding circumstances into account. And that is why it is necessary to repeat very briefly the fact that the position of the Government of India, as stated the other day by the Prime Minister in a speech at Allahabad, is that Pakistan is in violation of the cease-fire agreement. That is a far more grievous charge and we make that deliberately: that Pakistan has violated the cease-fire agreement by introduction of military personnel and materials into its area and by the annexation of territory. And, therefore, when the first part of it stands violated the consideration of the second part becomes very very subsequent. That is very bad English—but it becomes very subsequent. Therefore, the observation made by the representative of the United Kingdom must be taken in the context, first of all, of explanations that I submitted on behalf of my Government and the fact that, since the conclusion of that agreement, there have been violations of the first part by accentuation of forces on the other side of the cease-fire line and by assimilation of territory.

The President of the Council is, what might be called, an example of European neutral. I would ask him, in all conscience, since I am entitled to address a question to the President: How is it that when the Constituent Assembly of Kashmir, under our constitutional procedures and using only pen and not sword, working over a period of five or six years and proceeding from legal instrument about which you all say you are neutral—nobody has challenged it so far—writes a constitution which does not alter any of the physical facts, that is called annexation, whereas the eleven members around this table never turned around and asked the Pakistan delegation under what title its Government annexed these territories of 42,400 square miles? The latter was barefaced annexation.

Here I propose to cite to you assurances, documents, statements of the Security Council, made time after time, that the sovereignty of the Jammu and Kashmir Government remains inviolate and that neither the Commission nor the Council will do anything to alter it.

That leads me to the third point. Sir Pierson Dixon referred to engagements. He is a friend of mine and I am sure he will forgive me for centering the argument around him; in a sense it is an expression of great esteem. I said the other day that this engagement bound our two countries. Since this is probably my last main intervention during this episode of discussion of this item I should like to say that there are three parties in this. The Security Council is a party to this resolution and we, of the Government of India, have the privilege and the right to ask the Security Council what it is going to do about the violation of Part I. You are very quick in passing resolutions about the Assembly and being misled into an acceptance of what was put out in a crisis atmosphere. How is it that no question has been asked by the eleven nations represented round this table—I ask this question only because my people will ask and because the Security Council does not represent only these eleven countries but, as we understand it, all Member States of the United Nations—about this apparent, gross, obvious, continuous, persistent and flagrant violation of the cease-fire agreement, of the international law of commitments, contained in the Security Council resolutions, and the Commission resolutions and solemn undertakings given by your representatives to our Government which are in writing and have been made public? The shoe is on the other foot. That is, today annexation is on the other side.

The Security Council would be justified in asking us why we have not requested a meeting in order to complain about this annexation. The answer is two-fold. My Government proceeds on the basis that this problem—and that is what it is; it is not a dispute—is one of extreme complexity which involves India-Pakistan relations and various other world factors. The solution of it which was supposed to be proximate to 1 January 1949 is still far from being at hand. We consider that we have a duty not to reagitate matters and, therefore, we have let sleeping dogs lie, so far as the actual state of affairs is concerned, without in any way permitting the Security Council or anyone else to obtain our assent—and it is repeated so many times—to any change or alteration in the status of this territory.

The representative of Colombia has referred to these matters. He probably has first-hand knowledge of the question because some of these assurances were given by Mr. Lozano. The Secretary General has an easy way of ascertaining the facts in this connection because some of the members of the Commission staff at that time are still members of the Secretariat here.

These assurances are merely hanging in the air; they probably do not have any value. I deal with them more specifically today, however, in view of the observations of the representative of Colombia.

To place demilitarization in the centre of the present draft resolution is, in our opinion, a misreading of the entire situation. It is this aspect which has bedevilled the question since the time of General McNaughton. It is a matter of great regret to us that suggestions made in a spirit of goodwill by two persons from countries which are members of our Commonwealth should have been *ultra vires* of every decision and principles of the Security Council.

Sir Owen Dixon is a distinguished judge; he is now the Chief Justice of Australia. With great respect I must say that Sir Owen Dixon seems to have approached this problem as though Kashmir were the Australian bush of 200 years ago—and if Mr. Walker objects to that idiom, if it is one, I shall withdraw it—as though Kashmir belonged to no one and, therefore, the United Nations Government or some other Government could be set up in gross violation of the Security Council's express commitment.

My Government is entitled to ask this question: Why is it when we have committed no violations whatsoever that there is all this unanimity about impending violations. The Security Council itself—a party to this agreement—is remiss in not drawing the other party's attention to violations; the Security Council is remiss in not asking for withdrawal of the other party from that area; the Security Council's Commissioners make proposals to us which are in gross violation of the commitments. Why is there no unanimity about these violations? In fact we should not have discussed the 13 August resolution if there had been any suggestion that the sovereignty of the Jammu and Kashmir Government and India's competence as regards the defence of its frontiers—which are on the western and northern side of Kashmir—were in question.

I do not know whether the Security Council wishes me to go on citing these documents. Documents are before the Council as I have said time and time again.

Mr. Korbel, the Czechoslovak representative who was Chairman of the Commission in August 1948, said that the sovereignty of the territory was not to be changed. In a letter which the Prime Minister of India sent to Mr. Korbel on 20 August 1948, the Prime Minister wrote:

> If I understood you (Mr. Korbel) correctly A 3 of Part II of the resolution does not envisage creation of any of the conditions to which we have objected in paragraph 3(1) of this letter. In fact you made it clear that the Commission was not competent to recognise the sovereignty of any authority over the evacuated areas other than that of the Jammu and Kashmir Government.[1]

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[1] S/1100, paragraph 78.

Now, there was only one Jammu and Kashmir Government then and there is only Jammu and Kashmir Government now. I ask the representative of Cuba who is so attached to the idea of sovereignty and freedom from intervention in internal affairs, how he reconciles that position with this one in respect of Kashmir.

In reply to the above-mentioned letter, Mr. Korbel wrote to the Prime Minister of India as follows:

> The Commission requests me to convey to your Excellency its view that the interpretation of the resolution as expressed in paragraph 4 of your letter coincides with its own interpretation.[1]

In a letter dated 16 April 1949, the Vice-Chairman of the Commission who, I believe was a United States citizen, wrote:

> It has consistently been the view of the Commission as well as the Security Council that, pending determination of the will of the people as regards accession of the state to India or Pakistan, neither body (Krishna Menon: And this means neither the Security Council nor the Commission, not India or Pakistan) will recognize any new sovereignty in the State. To do so would constitute a prejudgement of the will of the people.
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> S/1430/Addendum 1, Annex 19.

I read out all these documents because they have a relation to the draft resolution sponsored by the United States and the United Kingdom. They have a relation to the violation of our municipal law and the principles of law of those two countries—and this particularly concerns the representative of the United Kingdom, for it is from the United Kingdom that we claim the heritage of this law. What is more, they have a relation to the violation of international law —and I shall return to this aspect in a moment.

I should like now to read out the following excerpt from the Commission's Third Interim Report:

> The territory evacuated by Pakistan troops will be administered by local authorities (Krishna Menon: And the expression "local authorities" is intended to mean persons who are not a Government, who are operating in the area *de facto*) under the surveillance of the Commission and without prejudice to the sovereignty of the State.

Hence, there can be neither a Pakistan, nor an "Azad", nor a Gilgit Government, nor any other government in this area. The other day I read out to the Council the Commission's agreement that we were entitled to the statement of garrisons there for the protection of trade routes from the North and North-West. I continue to quote from the Commission's Third Interim Report:

> These provisions and without prejudice to the territorial integrity (Krishna Menon: And when part of the country has been annexed that is certainly a violation of territorial integrity) and sovereignty of the State of Jammu and Kashmir.

I could go on quoting from these documents—and there are so many of them.

In the Security Council, General McNaughton—who, I believe, was President of the Council at the time of which I am speaking—approached this problem as though this territory really did not belong to anyone, as though the two parties were fighting over it; he tried to place us both on an equal status. Mr. B. N. Rau, who was then a member of the Security Council, said the following in this connection:

> It has been admitted all along that the sovereignty of the Jammu and Kashmir State should be accepted over the whole area of the State (Krishna Menon: That is a statement of our position). If Pakistan irregular forces such as Gilgit or Baltistan scouts remain in the northern area, the sovereignty of the State will be violated militarily.

This again is a point which has an immediate bearing on the suggestion made by the United States and the United Kingdom. I continue to quote:

> Further, if as suggested, the administration of this area is to remain in the hands of the existing local authorities which have been created by Pakistan and are aided by Pakistan officials, the sovereignty of the Jammu and Kashmir State in this area will be equally violated in the administrative field.

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[1] S/1100, paragraph 79.

That was said in reply to General McNaughton's suggestion for the creation of a new situation disregarding the basis of procedures.

Members of the Council will thus be able to understand why the Government of India has to be extremely wary. A suggestion is put to us and we are told: "No, you are not asked to accept, you are only asked to look at it". But the next day we shall be told: "You looked at it and you did not think it was a profanity to do so; if it is not profane then it must be sacred and, therefore, it is binding on you". That is the kind of argument that we have heard.

Mr. B. N. Rau also said the following with regard to the question of sovereignty:

> ...accession does not mean dissolution: the acceding State remains intact and fully sovereign in its own field even after the accession; it continues as a single unit. If, therefore, a plebiscite is to be held for the State as a whole, if the State is to accede as a whole, it must not be disrupted beforehand.
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> S/PV. 463, Page 12.

I turn now to the memorandum which the representative of India transmitted to the United Nations representative—Mr. Graham who is the most recent incumbent of this office—on 11 September 1952. I allude to this later period in order to show that this is not old history. In that memorandum the representative of India said that the Government's position was the following:

> The administration of this area would under paragraph 3 of Part II of the resolution of 13 August 1948 vest in local authorities to be established or recognised for the purpose; to these local authorities, under the same resolution, only local administrative functions have been assigned... To give them any armed force equivalent to troops would not be consistent either with their status or with their functions and would be a violation of the sovereignty of the Union of India and the Jammu and Kashmir State...In the very nature of things, therefore, these local authorities can be entrusted only with civil armed force.

In a letter to Mr. Graham, dated 17 February 1953, we stated:

> The Government of India are unable to agree to the retention of any military forces in the so-called Azād Kashmir territory. Not only would this be contrary to the assurance given by UNCIP to India (Krishna Menon: And I contend that every assurance given by UNCIP to India is an assurance given by the Security Council to the Government of India) that resolution of 13 August should not be interpreted or applied in practice so as to bring into question the sovereignty of the Jammu and Kashmir Government over the portion of their territory evacuated by Pakistan troops...

Of course, evacuation never took place. That is the position with regard to sovereignty. The observation that I shall now make has relation to the whole conception which is now sponsored by the United States and the United Kingdom in regard to the United Nations forces. There are also other matters connected with it.

My distinguished friend, Ambassador Lodge, has told us that we are only being asked to consider this idea of the United Nations forces, but it is not right to ask a sovereign government to consider something that is against international law, against its own sovereign rights, and in violation of the agreement with the Security Council. It is unethical, inequitable and, what is more, it would not lead to a settlement. I am afraid that Mr. Lodge made a slip when in explaining the draft resolution, he used the words "specifically the United Nations force", so that it was not just one of those things that are innocent. He said that the core of this draft resolution was the United Nations force and, Mr. Lodge being a man of, if I may say so with great respect, great simplicity of mind and frankness and candour of expression, let this out. No doubt his speech had been very carefully looked into and the words had been put there.

The United States representative has addressed a request to the Government of India to receive the President of the Security Council very cordially. We appreciate this request and accept it in the spirit in which it is made, but as he said a while ago, so far as hospitality is concerned, the present President is almost half a native of India. I do not mean this in a disrespectful way; you are always welcome.

पं० इन्द्र विद्या वाचस्पति प्रदत्त संग्रह

In the statement of the representative of the United States—perhaps I might make this general—there is no reference whatsoever to the people on the other side. My colleague from Cuba has spoken about rights, about self-determination, about people and about all those things that we value, but why is it we have not heard the voice of Cuba in connection with the freedom of the people who are under suppression and tyranny of the Pakistan authorities on the other side of our cease-fire line? Why is it that we have not heard that in ten years these people have not seen a ballot paper? Why is it that they are streaming into our part of the territory? Why is it they are under conditions of economic degradation? Why is it that the Five-Year Plan is making vast strides in the State which the Jammu and Kashmir Government administers, yet there is no such thing at all or even a semblance of it anywhere in those areas? Why is it there are still wild tracks? What is more, why is it that the very men who are accredited representatives of popular organizations of this country make representations to the Constitutent Assembly and say: "We are but helots, we are but slaves, we have no voice in our own country?" With what voice can either the Security Council or anyone coming before it demand a plebiscite for people on our side who exercise their franchise, who have freedom of speech, who function under one hundred local bodies, who have freedom of discussion, who have newspapers, who have economic development? With what voice, with what strength of argument can they come before the Security Council and ask about freedom of choice for those people who have no freedom at all? We say that Part I of the cease-fire agreement stands violated and, therefore, they have no voice at all.

It is my bounden duty to request the Security Council—not, my friend from the Philippines, to admonish—to give me an answer to these questions. Our people are dedicated to the Charter. Their emotional reactions, as the Secretary General will bear witness—I am not making him a party to our dispute—are dedicated to the Charter. They feel that here everything works in terms of justice, equity and fairplay. How is it that in all these nine years of discussions no one has asked these questions? All argument has been about people who have rights asking them—and that is putting it at its best—why do not they have more. In other words if there were a plebiscite when conditions are satisfied, when it will not create an upset, and when the security of India is not in danger, if we are, by lack of conditions that are necessary for a fair settlement, put into a position of handing these unfortunate men, who have exercised their freedom into a helotry that prevails on the other side, then we should be guilty of a sin against the Charter. Now, that is the United Kingdom statement.

My colleague from Australia later reminded us of very valid examples, as he described them, and very salutary examples. He said that we had recently had a case where we sent out a United Nations force. It is my recollection, although I may be wrong, that the representative of Australia did not support that proposition at the time but that is by the way. It is misleading and it is unfair to us, at any rate, whatever you may think of it yourself, to draw an analogy between the United Nations Emergency Force, in which we participate and which is in Egypt, and any suggestion of the kind that is now being made. In one case the territory of Egypt was invaded by France, the United Kingdom and Israel and there was no question of having to find out about the invasion. Nobody ever denied that it was an invasion, and the purposes of this force were two-fold and my Government has insisted that these purposes should remain two-fold. The purposes of this force are described in paragraph 12 of the Document A/3302, Report of the Secretary General on the plan for an Emergency United Nations Force. In that paragraph, it is stated that their functions are to supervise a cease-fire and to supervise withdrawal. Is anybody suggesting that a United Nations Force should go into the Pakistan-occupied areas in order to supervise their misdoings or to stop their misdoings and to supervise their withdrawal and then to go away? That is not the idea at all.

Therefore, it is not possible to draw an analogy between the two cases. In one case, the Force had to go to the defence of those who were aggressed against and in the other case it would go to stand by the aggressor. As Sir Pierson Dixon, with the candour we expect of him, has pointed out, that is what Pakistan has asked for and that has been espoused. Therefore, any attempt to draw this parallel is, in my humble submission, a challenge to the political intelligence of Member States of the United Nations because the analogy bears no relation to facts whatsoever. As film writers would say, such resemblances as there may be are purely coincidental. Therefore, do not let us draw this analogy which comes ill from the representative of Australia who refused to have anything to do with this business of sending a force to Egypt in order to implement the purposes of the Charter. I will come back to this and say where we stand with regard to the Charter.

We agree, in the main, with what has been said by the representative of Colombia who had the advantage of having one of his countrymen on the Commission, who spent hours and hours with the heads of Government and high officials both in Pakistan and in India.

We have circulated documents for your information and we hope that you have read them. We hope that if you have not yet read them you will read them in the future. If I may say so with respect, I would not feel any sense of umbrage if people did not read them fully because I myself find it difficult to get from one end of these documents to the other, but a reading of them is necessary. The representative of Cuba started from a basic problem that was worthy of the great philosopher, Rousseau, about sovereign will of the people. He then went into history and, if I may say so, he misunderstood what I said in the Security Council, but that may have been my fault. I said that the capital of Kashmir, Srinagar, was founded 2,300 years ago. I did not say at that time that through the millenia this was a separate State. Actually, the history of Kashmir goes back to 5,000 years before the Christian era.

It comes into more modern history in the Buddhistic period and becomes part of the mainland of India. Of these two episodes, one extends over a period of three centuries when it passed out of the hegemony and became a separate state under Moslem rule and was reconquered by a Moslem Emperor, Akbar of India, and became part of the Indian Empire and for 63 years, on account of a row with the English, the Afghans then occupied it. You see how we vicariously fall for things. There were difficulties between the Afghans and the British at various times but not now—they are very good friends, and we are happy they are.

There are only two episodes in the history of Kashmir when it had been outside of the mainland of India. My colleague from Pakistan the other day refuted the purchase of Kashmir, and I gave the answer to it.

The Cuban argument is that accession by the king is not acceptable. With great respect to his legal knowledge which is very considerable, so far as I am concerned—I mean the respect—no other accession would have been valid and I call as witness the representative of the United Kingdom or his legal experts. Even if four and a half million people in Kashmir had signed a memorandum saying "we accede" on that day of 1947, that accession would not be worth the paper it was written on. It might have political value. It has political value, it has social value.

The British Parliament laid down in 1935 that accession was to be by the king. This does not mean that we could trick a king into giving an accession against the will of the people. If that is the argument that is in the Cuban mind, then I think it is a valid argument and I humbly refer him to the answer I made to the Pakistan Foreign Minister in regard to the allegation of fraud. Therefore, there is no question that over and above that, the first thing we did was to seek, and in the end, obtain the consent of the only national movement there was, which for 25 years had resisted the Maharajah's rule, and they agreed, and they are the Government today. We agree with the representative of Cuba that we must honour the commitments but we equally submit that the Security Council has an obligation to honour the commitments and commitments are what are in the documents and what is in the spirit of those documents, in all the surrounding circumstances.

That takes me to a document in this case which has been referred to constantly, and that is plebiscite. I do not know how it is, but it appears to me to be comparatively simple. This document of 13 August 1948 was adopted by the Commission at its 40th meeting. It afterwards became a Security Council document. I do not have the Security Council number of it but it is a well known document. I want to submit to you as responsible members, representing Member States, that just because a word appears in a document and it is repeated a million times over, it does not add to its legal, political, moral or other values. It is quite sure that we have talked about plebiscite but what is the place of it in this document? I read this four times but I will read it again. Part III reads:

> The Government of India and the Government of Pakistan reaffirm their wish (Krishna Menon: Not their resolve, not their commitment but their wish) that the future status of the State of Jammu and Kashmir shall be determined in accordance with the will of the people and to that end upon the acceptance of the truce agreement.[1]

Here my colleague from the Philippines comes in. "Upon acceptance of the truce agreement both Governments agree". Agree to what? They agree "to enter into consultations with the Commission to determine fair and equitable conditions".

We did not say that when you take a plebiscite we would enter into consultations after it is over. Perhaps, it was our mistake that we entered into consultation before because we thought we were going very, very fast. It may be a lesson for the future but I submit it is not a reason for misunderstanding the position of my Government in regard to international commitments. We agree "upon acceptance of truce agreement....to enter into consultations with the Commission." What for? To determine "fair and equitable conditions." Now, how about this propaganda which has been going on for the last seven or eight years and which shows no sign of abatement and, what is more—it is not only aided and abetted—which is inspired by responsible leaders and members of the Government of Pakistan, which is part of their national policy. In those circumstances I submit to you that we had to create conditions, that is, the first conditions necessary.

A plebiscite is a peaceful process, and you cannot force this peaceful process. It is like some people using the machinery of democracy in order to destroy it. So, similarly, the word "plebiscite" embodies the great idea of self-determination and it simply is not to be misinterpreted. We stand by Part III of August 13 Resolution. Two Parts of it have not been satisfied. Our undertaking is to confer in order to find "fair and equitable conditions." Are conditions equitable when there is a campaign of hatred? Are conditions equitable when the Pakistan Government, both privately and openly, says that the purpose of their military programme with the United States is to arm against India? If I am challenged on this, I will produce evidence. That is with regard to plebiscite. So I say with great respect to my friend from Cuba that we are not running away from any conception. But I submit that it is wrong, that it is against international law, that it is against commitments of this organization, that it is against any possibility of the Charter being respected and that it is a violation of the dignity and education of those people who believe in the United Nations, to say that just because these words appear somewhere that, that is, therefore, a contract. That would be acting like my colleague, the other day, who accused some little Moslem boy of quoting Koran only partially. That is the position of the plebiscite.

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[1] S/1430, Page 28.

I have been asked why we take up one position in regard to Algeria and another in regard to Kashmir. First of all, in regard to Kashmir, conditions have been laid down here, a whole plan has been laid down here. We agreed to the principles. By the way, Sir Pierson Dixon also referred to the resolution of 5 January. I should like to refresh his memory. This resolution, which was supplementary to 13 August resolution, referred to the principles on which a plebiscite was to be carried out after Part B of 13 August resolution had been fully implemented. After Part II and Part I of 13 August resolution had been implemented, it was only then that Part III began to function by negotiation. You cannot, therefore, start talking about plebiscite without complete implementation of the previous stages laid down in the resolutions. That is how things are.

With regard to Algeria, there has been a conquest and that is not denied by anybody. I do not want to go outside the realm of this discussion but I did not raise this question. There was a conquest and there was a national movement to replace that conquest. There is no such thing in Kashmir. I told you the other day that the best evidence and the most convincing argument before the Council, irrespective of all legal doctrine, would have been if the marauders that came into Kashmir and, later the Pakistan army, had been welcomed as liberators by the people. They were not. They committed rapine and plunder and there was no question of religion because Christians and Moslems were equally sufferers. They were not welcomed as liberators by the local population. So, when the representative of Iraq refers to the great brotherhood, he must take this into account. We are also part of a greater brotherhood, namely, the human brotherhood and, therefore, it is not as though the two things are on a par. There may be a great deal of argument in favour of not implementing self-determination in Algeria or implementing it. That is another matter. But the two things are not on all fours.

In regard to the Cuban statement, there is one other matter which I want to dispose of and that is the reference to my Prime Minister. I have, both for reasons of propriety and political reasons, an obligation to put everybody right on this matter.

There were two suggestions, one of which I answered at the last meeting, apparently without carrying conviction. One was a telegram sent by the Prime Minister early in October to Mr. Liaquat Ali, of whom he was an intimate friend, suggesting that the two countries should together come before the Security Council and that matter should be settled by a plebiscite by the United Nations and so on. This was long before there was any proof that the Pakistan Army was invading. That was at the time when Pakistan was denying that there was complicity on its part. That was at the time when we had just parted company a few days ago; and I pointed out that, so far as political and documentary part of it was concerned, whatever might have been those commitments, if they had been accepted, they became commitments; if they were not accepted, they were not even escrows; they had lapsed and, therefore, we start from the Security Council because the letter of 22 December 1947 from my Prime Minister to Mr. Liaquat Ali said that nothing had happened and, therefore, we proposed to take our remedy under the Charter. And we came here and said: "We are invaded. In order to protect ourselves we may have to invade Pakistan. We do not want to do so; therefore, please stop them from doing that." Therefore, there is no declaration of that kind. The second declaration is one to which the Cuban representative has kindly given authority. It comes from an organ called the United Press of America which is not run by the Indian Government and we have no responsibility for its policy. It was a message that came on 6 February 1957 from Allahabad in which, according to the report, Mr. Nehru listed the following conditions for agreeing to a plebiscite:

> Withdrawal of Pakistan troops from occupied-Kashmir; the legal government of Kashmir must take over the entire State.

I believe that this message came into the United Nations between four and five o'clock. Between five and six o'clock, thanks to the reputable agency, Reuters, we got another version of it which has been published all over the world and which we have not contradicted, and this was what the Prime Minister said:

> We have been charged in certain quarters (Krishna Menon: That is over here) with having backed out of our commitment to hold a plebiscite in Kashmir. I would like to draw the attention of those who are making this charge against us to the prerequisite condition of a plebiscite. The condition was that Pakistan would withdraw her forces from that part of Kashmir which it occupies before a plebiscite was held. Has Pakistan fulfilled that condition? A grave injustice has been done to India on Kashmir. The basic point that Pakistan committed aggression in Kashmir has been ignored altogether. (Krishna Menon: And representatives around this table have done it this morning). Kashmir has made tremendous progress in the last nine years and no steps should be taken which would disturb the peace of that State.

Outside of all controversy, I ask the Council to believe that that is our overwhelming concern about reagitation of a situation which can lead to a civil war all the way round and conflicts of a character which I shall describe in a moment. In view of time I shall try to make the remainder of my observations very brief; Mr. Romulo said that I "had admonished" the Security Council. Normally speaking, I would let this pass but it is not something which I wish to leave on record, coming from a distinguished personality who occupied the chair at that time. I believe this rises from the fact that he was listening to a very long speech and, like everybody else, sometimes he gets tired of it.

What did I say? I said that our basic position was aggression. Our basic position is the complaint that we brought forth here on 1 January 1948. From that we have never moved. From that we did not move when we came here in those days, not with General McNaughton, not with Sir Owen Dixon, not with Mr. Graham, not with you, not with anybody in the world. That position we have never moved from. But I went on to say that, at the same time, representatives of States, members of the Security Council calling me before them could not just regard themselves as Rip Van Winkles, as though nothing had happened here in nine years. That is to say. I was saying that in spite of that basic position, I had responsibility to address myself to this draft resolution. That puts a totally different complexion upon my admonition. Do I look like a kind of person who would admonish this august body. I leave it to the Council to judge. We have great confidence, in spite of the present attitude of the Security Council, that when these facts become more and more known—and that is why we keep on bringing the Council's attention to them—representatives will begin to have doubts in that matter.

Now we come to the draft resolution itself. There were two suggestions made by the President in his capacity as representative of Sweden. I have not referred to the observations made by the representative of Iraq except to say that the presentation he has made does not represent facts of the situation. It ignores circumstances but, at the same time, I pay tribute and express my appreciation of his desire to be kindly on the side on which he is not neutral; that is all I can say. One must stick to the truth even when one wants to be polite.

The representative of Sweden, who is the President, speaking here said:

> As we see it, there are, in principle, two courses open to us along which progress may be made towards the ultimate goal which it seems to us must be an agreement between the parties on a political basis...

This is a matter which I shall have to deal with when I come to the basic position of the Security Council under the terms of the Charter and particularly Chapter 6. There is no settlement in this matter that is possible except by agreement between the parties; and, so far as my Government is concerned, we have done everything we can up till now—but I said "up till now"; we have not written the end of the history. We have made a solemn declaration and we repeat it that we shall, at no time on any issue however much it may be against us, refuse to negotiate, refuse to seek conciliation, but we cannot be called upon to surrender our sovereignty beforehand and we cannot be called upon by the Security Council to forgo the charge of aggression upon our sovereignty. We cannot be called upon to ignore a complaint which we have submitted in terms of the provisions of the Charter.

Mr. Romulo said—as was said by someone else the other day—that there were counter-charges. I submit that there were no counter-charges on Kashmir. There may have been counter-charges on other matters. The Security Council decided not to discuss them for the present but if it should be decided to discuss them, we would be willing to answer. In regard to Kashmir, so far as I can recollect, it is only paragraph 5 of the document that is relevant, and the answer was a denial. It was not even what the lawyers call a traversing of facts, it was a denial, saying that we had not invaded. That denial was rebutted afterwards by the Commission and, therefore, invasion and aggression remain.

At that time the discussions centered on the question of cease-fire. Everybody was discussing the cease-fire at that time. Would it have been right for us to come before General McNaughton, who was then President of the Council, and to say: no, we will not talk until you decide this question of aggression. If we had said this, this very Council with great legitimacy, I may say, with total legitimacy, would have told us that we were being unreasonable. What could we do in the circumstances? We reserved our position in every document, in every utterance. We reserve our position today; and by reserve we mean, do not put it on the shelf.

In other words, if the position put forward by General Romulo, and the other day by Mr. Tsiang, is to be accepted, it becomes a crime to negotiate because once a charge of aggression is decided, what is there left to negotiate? We are prepared to negotiate without prejudice to that, and that is what the Commission said all along. Therefore, Sir, it is in your hands; it is your responsibility to address yourself to this position.

It is easy for me to be dismissed as one person; you cannot, however, dismiss the 400 millions of people in our country when a question of this kind comes before them. This is a problem which has deeply agitated our people and it is only the strength of our leadership, which is based in trust and confidence, that has been able to restrain the kind of excitement which might lead to a hatred which could not be controlled afterwards. It is only that which has prevented them from developing a wrong kind of feeling in regard to certain other countries, which has prevented them from getting into a kind of war fever. The second course suggested, therefore, so far as that is concerned, is one by which as a general principle or as a universal premise my country always stands—indeed, I submit all countries stand committed by it—under the articles of the Charter.

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The other course suggested is that there are underlying problems of a legal character, because I have tried to be precise in regard to the position, because if accession is complete and legal, all these problems become comparatively simple. I have never asked the Security Council to pronounce on these legal issues since from the very beginning our position has been that we cannot ask the Council to do so because it is not a court of law. At the same time, the Council is working in the context of international law and justice and cannot depart from that, and that is why I have pointed it out to you. The President, speaking as the representative of Sweden, has thrown out the suggestion that it might be useful to have certain underlying problems of a legal character progressively clarified in order to create better conditions for an agreement. I suppose his real meaning is that a look should be taken at the legal claims which we make and which are basic to our position. If it means nothing more in terms of any provisions of the Charter, I believe the President will agree that I am justified in saying that he would want to see this in greater clarity and would want it to have full consideration by our Government and with our legal advisers—indeed the United Nations would want to do that—for we cannot at any time turn our face against the law.

That is our position, whatever the consequences are; that is our position in regard to these two suggestions and there it is. The President went on to say that some legal aspects of the matter might perhaps be referred to the International Court of Justice for an advisory opinion. However, it all depends upon what questions are referred to the Court; we ought to have the opportunity to consider them in order to see whether the problem is referred to the Court is necessary in its ambit and scope. Therefore, so far as the Government of India is concerned at the present moment, we simply say that we do not reject any of these ideas because if we did, we should be doing wrong. You would fall foul of us and, even apart from that, we should ourselves feel uneasy in our minds. We are, therefore, prepared to give consideration to these matters and, indeed, the Government of India knows the views of the Swedish Government and are prepared to take them into consideration, but we cannot go into any deep consideration of policy until we have a new Government. That deals with the statements. Now I come to the draft resolution and will not take very long over it.

The first paragraph recalls the previous resolutions. It is one of those habits that we have formed to recall resolutions but I would like the draftsmen who assist representatives of the United States and the United Kingdom to have a look at these resolutions. Some of them you can recall as a matter of historical interest but you cannot implement them. For instance, one of them says that the Commission ought to go to India on 15 January 1951 or something like that; so it is not possible of implementation.

This is probably a very obvious instance, but there are parts of these resolutions that have been worn out by time. Therefore, when the representative of the Philippines made a criticism of my Prime Minister's statement—he did not say so but he implied it—I want to say that we stand by that statement. I had a copy of the first draft of this resolution half an hour after I started speaking and the only alteration which was made in it was to the advantage of Pakistan.

Secondly, when I finished speaking that evening, I said to the President, who was the representative of the Philippines, that I had now made that part of my statement in order that he need not feel perturbed that some day, some zero hour was approaching, not that I had finished the argument. In fact, I stated expressly that I had still to argue the case. What is more, those who know the facts of this matter know very well that what my Prime Minister says represents the truth as on most occasions.

Therefore, recalling these resolutions is merely an exercise, a sort of thing that often happens; and my delegation and my Government would find it difficult to understand why the resolution of 24 January 1957 has greater significance than the resolution of 17 January 1948 and I would be glad if the representative of the United Kingdom would tell me. If the Council would insist upon adherence to the resolution of 17 January 1948 we could forget all these other resolutions and I think we would have made a beginning in solving this problem. On 17 January 1948 the Council asked both parties not to aggravate the situation, not to introduce war material and things of that character. That stands violated. This is what was said:

> The Security Council having heard statements (Krishna Menon: And may I remind the representative of the United Kingdom that in those days they said "having heard statements") on the Kashmir situation from representatives of the Governments of India and Pakistan; recognizing the urgency of the situation (Krishna Menon: And then comes the operative part) calls upon both the Government of India and the Government of Pakistan to take immediately all measures within their power... calculated to improve this situation (Krishna Menon: And *Jehad* is not an instrument of improving the situation; and calumny and the base words uttered about my Prime Minister and heads of my Government and of my country and of our traditions that is going on in West Pakistan at the moment is something not in consonance with this) to refrain from making any statements and from doing or causing to be done or permitting any acts which might aggravate the situation; and further requests each of those Governments to inform the Council immediately (Krishna Menon: I want to repeat this if I can have the attention of the Council for one moment) of any material change in the situation which occurs or appears to either of them to be about to occur while the matter is under consideration of the Council....

The matter has been under consideration of the Council from that time until now, and Pakistan did not inform the Council that it has introduced troops. I say it acted behind the Security Council's back and concealed facts from the Security Council and I think all our sins would be washed out in the face of that. And I ask my colleague, Sir Pearson Dixon, why this resolution of 17 January 1948 has less sanctity than any other resolutions. In so far as they are recalled, and if they have any meaning, that is a helpful situation. I say that if the resolution of 17 January 1948 was adhered to by both parties then we would have the beginning of a solution. May I preface my next observation by saying that I recognize that I have no part in this resolution either in saying that I support it or that I oppose it, because I am not a member of the Security Council, but I believe that I am invited to offer observations.

The second paragraph of the preamble reads: "Having taken into consideration statements of the representatives of the Governments of India and Pakistan"; with great respect, I would submit that this is a slight overstatement because although statements have been heard, the case is so complex and has been argued at such great length and there are so many documents in the matter and so many cross currents in it, it would be more accurate to say: "Having heard what we have to say". This would be nearer the truth and, more nearly, in conformity with the previous resolutions. This gives the impression of a great deal of deliberation on this matter before you came to the next conclusion, and I submit that I believe that we would like Member Governments, not just one individual in the Security Council, but Member Governments to go into this situation which is one of the most important situations in the world. The draft resolution continues: "Concerned at the lack of progress in settling the dispute". This word "dispute" was introduced by the Security Council without our assent. Only two resolutions to which we agree are those of 17 January 1948 and 20 January 1948 and two resolutions of UNCIP. You will find that in these resolutions the word "dispute" does not occur. The word is "situation"—and it is not quibbling with words. We have heard legal arguments—and law is the essence of civilized language, so we cannot just ignore it—but we definitely think the introduction of this word means a political change.

Mr. Gopalaswami Ayyangar, speaking before this Council, said in categorical terms that this is not a dispute over territory—there is no dispute over our territory; the territory is a constituent State of the Union of India. In exercise of its sovereignty for any political reason it can consent, it can initiate, it can order an act of cession. That is a different question. Therefore, there is no dispute over territory. I submit that this frequent reintroduction of the word "dispute" is an attempt on the part of the framers of these resolutions to weigh these things against us—because this is a "situation", it is not a territorial dispute. How can it be a territorial dispute when the sovereignty of Jammu and Kashmir was recognized by the Security Council, when you say neither the Security Council nor the Commission can change it, when you say that it is the duty of the Union of India to look after the security of this territory? It can station garrisons on the western and north-western frontiers to guard parties that come into India.

I read the next paragraph: "Considering the importance which it has attached to demilitarization of the State of Jammu and Kashmir". I submit, the word "demilitarization" has a particular connotation. It is not only just a plain matter. It means much more. The use of the word "demilitarization" in the context where a party who has no legal, no moral, nor any other title under any semblance of law is in occupation of part of a territory, is a mockery of justice and of international law. And, so far as we are concerned, it is not for the Security Council to expose our vast territory to the insecurity of a neighbour who is not showing friendly intentions that we expect and we hope that they will show in the future. Therefore, "demilitarization" in terms of counting in quantum of troops and whether they shoot pistols or revolvers or shotguns or machine guns—those problems are not important problems.

The first element in demilitarization is the removal of those peoples whose bodies have no business and no title to be present on the soil of Jammu and Kashmir. That is 13 August resolution, that is 5 January resolution, that is in every resolution of the Council—whenever it says it, it says. And what is more, that is in every assurance given by Korbel, given by Lozano and given by Huddle—the United States gentleman who was chairman—that, irrespective of personalities, those were assurances given to us not in secret, not whispered into our ears but they are part of public documents which are in the records of the Council. If for any reason the Council, on a subsequent date, gave an assurance to the Pakistan side which they can interpret in another way, the responsibility does not lie on the heads of the Government of India. Therefore, we would object to this word if we were parties to the resolution. We insist because this is throwing the whole thing out of its context; that is to say, you are asking the President of the Security Council to do what Mr. Graham has been trying to do for five years, what Sir Owen Dixon tried to do for a long time and, at the end, said that this is not a problem, this is something else which he has not been asked to do—and so on. The whole reference—that clause—I submit, is misconceived. It is wrong context, wrong thing. We are talking about something that has no real relation. I do not say it is not irrelevant. Relevance of it is not essential. That is, there is no essentiality about this because that is not a problem.

The next paragraph: "Noting that demilitarization preparatory to holding of a free and impartial plebiscite under the United Nations auspices has not been achieved...." Now, there I think it should also have been noted that one of the conditions of holding a free and impartial plebiscite is the cessation of racial propaganda. Under our law, which is copied from British law, at least the essence of it, it is an unlawful practice, and some other legal phraseology which I have forgotten, to appeal to religion, to say to voters that you are a Catholic, therefore, you ought to vote for a Protestant candidate; or that you are a Protestant, therefore, you ought to vote for a Protestant candidate; or that you are a Moslem that you ought to do this; or that you are a Hindu and you ought to do that or the wrath of God will be visited upon you. In any way, to make use of relgion in order to obtain a political end in an election in our law is not only an unlawful practice which would disqualify the person concerned, but to participants, is an offence liable to imprisonment or a fine—so my Legal Adviser tells me. Holding of a free and impartial plebiscite, therefore, is possible only when there is a preparatory condition.

Now I submit to you, the two gentlemen who are responsible for the initiating of this resolution, is it fair to ask for the adoption of a method which, in its general essence, which in its genesis, which in its purpose, is peaceful and enable it to be surrounded, if not rooted, in hatred? Therefore, until you clear that away how do you get anywhere at all; and even with the passing of nine years it has not been cleared away and, what is more, is being accumulated. I cite evidence of the statement of a distinguished Foreign Minister who warned the Security Council, who professed in his first speech, in what in effect amounts to an ultimatum. And this campaign of *Jehad* that goes on—we are still in these days of the holy wars.

The next paragraph is the crucial part: "Noting the proposal of the representative of Pakistan for use of a temporary United Nations force in connection with demilitarization".

It may be argued that it is right to note anything. There is no crime in stating that something has been said. But when in a resolution something is noted and something is not noted, for example, it has not been noted that the Government of India says that the country has been illegally occupied, that there is an enormous influx, accumulation of arms and forces, there is hatred, propaganda—all the other things I have told you. Those things are equal, at least equal in our opinion—of greater value. They have not been noted.

This selection, this invidious selection lends a political importance to it. You note, the Security Council, this august body which is seriously minded, notes something in relation to its value. Therefore, you place a greater value on this than on other things. It is this suggestion that has come out of "noting the proposal of the representative of Pakistan". I submit that the proposals ought really to come from the Security Council. That, of course, is a matter for you gentlemen and not for me. Now we come to the next one.

We come now to the next paragraph: "Believing that in so far as it might contribute towards achievement of demilitarization as envisaged in the resolutions....and towards a pacific settlement of the dispute, the use of such a force would deserve consideration."

We should like to offer observations on three parts of this paragraph. First, we should like to comment on the words "might contribute towards achievement of demilitarization". The facts deny this. How would the United Nations force contribute to the achievement of demilitarization when there are 45 battalions of the "Azad Army" on the other side and large numbers of irregulars and commandos who cannot be traced. What would be the practical size of any United Nations force that goes in there? Would the United Nations force, in conditions of the world at the present time, be in a position to disarm any soldier of any other country? I can understand their performing police duties. I can understand their going into a place where

We are sure they would not be fired at. But would you say that in conditions that obtain in these areas any United Nations force that you can get to go would be able to achieve demilitarization? Would they be able to exercise a degree of supervision that was necessary? This is on the basis that some agreement has been reached about it.

Furthermore, I would say that this is not necessary to have a United Nations force to achieve demilitarization. All that has to be done is for the Pakistan Army to withdraw and, in order to create conditions of security, for it to give an international guarantee that it will not move out of its cantonments beyond spaces which can be permitted with security; and for the Indian army, which is in the constituent part of its territory, to be deployed only in conditions of peace. That is what we have done. Therefore, the question of sending somebody to disarm does not arise.

With great respect, we have not in our country attuned our minds to the conception of any foreign forces, United Nations or otherwise, disarming of soldiers or disbanding them. That is the function of our sovereign Government. So far as we are concerned, if we gave an undertaking to withdraw them, we would withdraw them as indeed we have done. We have without any commitment withdrawn very large numbers of troops from this area.

In this connection, I would like to contradict what was said by the Foreign Minister of Pakistan the other day. It is a statement of the same character as I contradicted the other day, which he has not repeated afterwards, that the Government of India is concentrating troops on the Indo-Pakistan border. This is an entirely untrue statement and I am authorised by my Government to deny it. There has been no addition of military strength either on the Punjab frontier or any other Indo-Pakistan frontier. The Indian Army moves along according to normal routine of its manoeuvres, of its practice. There has been no accumulation of forces anywhere and no addition to its strength. This is, I believe, a story somebody picked up somewhere which was printed in newspapers and was believed.

Second, the idea in this is "demilitarization as envisaged in the resolutions of the United Nations Commission". With great respect to the authors of the draft resolution, I submit, that this is a misstatement of facts. What is envisaged in the resolutions is total and large-scale disbanding and disarming of "Azad forces", total withdrawal of the Pakistani army and, at a subsequent stage when that is achieved, withdrawal of the bulk of the Indian forces. It is quite true that we have discussed at various times a simultaneous, synchronised operation and so on. I submit, however, that as this has not been accepted it ceases to have value. It cannot have. Hereafter my Government will not agree to one commitment hanging over its head because we find that we have been sufferers in this. Therefore, we submit that we have no commitments in this direction apart from what is in the resolution of 13 August 1948. Consequently, the second idea is not strictly accurate.

The last part is most important. It says, "deserve consideration". I ask my colleague from the United Kingdom, who is a scholar of great repute, to explain to me what that means apart from saying that this has merit. This is the Security Council which is composed of member governments of the world and they set about a proposition which not only does not deserve consideration but which is contrary to the Charter, contrary to the interests of peace and contrary to friendship that exists between the United States, on the one hand, and the United Kingdom, on the other, towards us. It is contrary to all canons of international behaviour that must be respected. Therefore, it does not deserve consideration.

I say it is contrary to the Charter because the United Nations has no authority to place

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any soldiers in our territory under Chapter VI and I want to make this perfectly clear. In this connection when I say "our territory", any soldier that sets his foot in the Pakistan area of the State of Jammu and Kashmir is violating the sovereignty of the Indian Union because according to our decisions, according to the commitments we have with you, they are part of Jammu and Kashmir. So, it is not as though you can make an arrangement with Pakistan and feel that you have not violated any law. It is a violation of the Charter.

The other day, the Secretary General, in another connection, pointed out that it was only under Chapter VII that troops could be placed anywhere except by common consent. Now, someone said that this consent should be forthcoming. I have no desire to sound unco-operative or even worse. The Government of India will, in no circumstances, permit foreign troops on its soil. That is a categorical statement I am asked by the Government to make to this Council. We will, in no circumstances, in this context, permit the stationing of foreign troops on our soil. The only condition in which we shall have our troops go on foreign soil, as we told the Secretary General publicly and privately, or which we shall accept ourselves, is in pursuance of the Charter.

The Security Council is asking us, not deliberately, to accept a situation which in our view is contrary to the provisions of the Charter, a violation of our sovereignty and calculated to disturb the peace. That is the legal part of it.

More than that I would ask the representative of the United Kingdom, who has much more access to information about India than anyone else because of past connections with us and many present connections, to cogitate on the situation. What volume of troops would be required to keep order in the State of Jammu and Kashmir on both sides when our security troops are withdrawn, considering the vast amount of opposition there is even to the past resolutions of the Security Council, the enormous amount of public demonstrations of disapproval and public anger and the intensity of the feeling in the country with regard to this matter? On our side how many troops would be required by the United Nations, assuming there were no legal or other difficulties? Equally the moment this is published in Pakistan as a great victory for their side there will be enormous hopes aroused and all these forces about which I read to you—the man who asserts he will do it by force—will be alerted. Therefore, any conception that this is deserving of consideration on merits—I suggest that this is a chimerical proposition, an impractical proposition, a that goes against the purposes of the Charter and the purposes of a settlement.

There is a statement about the people of Kashmir—that is to say, in the Indian-administered part of Kashmir, a part that is not taken over by the enemy. This comes from an authority which will appeal to my colleague from Australia. It is a conservative paper which, I believe, has had very adverse comments on our policy. It is the daily *Sydney Morning Herald* and its correspondent, Mr. Morrisby, is now in Kashmir. This is what he wrote and said to the people on 11 February 1957, that is to say, a fortnight after 26 January. This report is partly in direct narration and partly in indirect narration:

> "The people of Kashmir have given their full support to the State's new Constitution as this Constitution enshrines the sovereign will and has, therefore, special significance for all of them", said Mr. Edwin Morrisby of the daily *Sydney Morning Herald* of Australia in Srinagar on 7th February 1957, in an informal meeting with local newspapermen.
>
> Mr. Morrisby, who was giving his impressions of four days' tour of Kashmir, added that the State enjoyed semi-autonomous status in the Indian Republic and so the people enjoyed more freedom than in other States of India. The enthusiasm with which the people had rallied to the call for active participation in the implementation of development plans "provided irrefutable evidence of the popularity of the Government and their leaders", he said.

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Then there is a quotation from Mr. Morrisby:

> They have made it clear that they would under no circumstances tolerate any attempt to disturb the peace and stability of the State which has been achieved after great trials and sufferings.
>
> Mr. Morrisby, who went to some remotest corners of the Kashmir Valley, said: (Krishna Menon: As I told you the other day there are no restrictions on foreign travellers to Kashmir apart from the fact that they must be able to pay their way).
>
> There is nothing abnormal in the State. The people are quite contented and busy in their business of life just like in the rest of India.

We did not ask him to write that. As we say this is not an Indian newspaperman. I usually do not quote newspapers because after all they are not authoritative in this sense but this is the latest opinion we have received from an independent source and it deserves consideration.

On this point, about deserving consideration, I should like to request representatives who are responsible for this draft resolution to address their minds to the history of this proposition. This is not a new suggestion. This suggestion was first made as early as 1948. If the representatives will look at the transactions at that time, I would refer to the statements by the Pakistan Foreign Minister, Sir Zafrullah Khan on 19 August 1948 in UNCIP's first interim report. I shall read the relevant part:

> In particular, the Pakistan Government would be glad to know whether the Commission intend to secure the services of an international or neutral force for this purpose and if so what the strength of such a force would be.

So as far as Pakistan is concerned, it is an old suggestion which has been rejected time after time. The Commission's reply was this:

> In drawing up the resolution of 13 August 1948, the Commission did not and could not proceed on the presumption that one or the other party would violate the truce. Implementation of the resolution presupposes good faith and co-operation between two parties. (Krishna Menon: That fact is still true because without that we could not have any implementation). As the Government of Pakistan is aware the United Nations does not have, at its disposal, an international force. The use of neutral force has not been contemplated by the Commission. However, the Government of Pakistan will have noted that the resolution provides for neutral military observers.

The United Kingdom and the United States, if I may say so without any disrespect, are not original in this suggestion. They came out with this on 21 February 1951. The joint effort in relation to us is of long standing in this. In the United States and the United Kingdom draft resolution of 21 February 1951, contained in document S/2017, this is what they said:

> Authorizes the United Nations representative to take into account in his discussions (Krishna Menon: Same thing as now) with the two Governments and in considering arrangements for demilitarization and for holding of a plebiscite: ....the possibility (Krishna Menon: It was less at that time) that any forces required for the purpose...........(Krishna Menon: At that time it did not say that it must be this one. It only said: "If you want someone we shall send someone") The possibility that any forces required for the purpose of facilitating demilitarization and holding of a plebiscite might be provided from Member States of the United Nations or raised locally......

I remember that the same suggestion was made by the Prime Minister of Australia in formal conversations. Our reply was made by Mr. Benegal Rau, a man whose memory is revered and who cannot be accused of any overstatement of any sentiment:

> We are wholly unable to accept any entry of foreign troops in this State or in any other part of India (Krishna Menon: That was in 1950 and we repeat that). In view of the provisions made by the resolutions of August 1948 and January 1949 there is no occasion for use of foreign troops or of special local levies recruited by outside agencies. Nor, in our view of the detailed provisions contained in the resolutions of January 1949 to ensure a fair plebiscite, can we accept a supersession of the lawful Government of the State or any interference with its normal functions. (Krishna Menon: That appears in document S/PV. 533).

He was asked about it again a few meetings later and that appears in document S/PV. 536.

> My friend has asked whether India agrees to the principle of having United Nations forces in Kashmir. I have already stated India's position in this matter and given our reasons for it:
>
> (1) We are wholly unable to accept any entry of foreign forces in this State or in any other part of India. (2) In view of the provisions made by the resolution of August 1948 there is no occasion for use of foreign troops……

Then something happened which I hope will happen this time also. On 21 March 1951, the United Kingdom and the United States dropped this suggestion in their revised resolution. The same proposal was revived by Dr. Graham in India and this was contained in the second report of Dr. Graham which is contained in Document S/2448 in paragraph 5(C) of the questionnaire addressed to us. This was one of the questions:

> Is the Indian Government not ready to accept forces to be provided by the United Nations in order to safeguard the security of and to maintain law and order in the whole State of Jammu and Kashmir as long as the United Nations, in consultation with the Governments of India and Pakistan, deems necessary?[1]

Our answer given by the Prime Minister at that time was this:

> As regards the suggestion for bringing of United Nations forces into the State it has been made clear more than once, on behalf of the Government of India, that the replacement of Indian Security forces by foreign troops, however constituted, can under no circumstances be accepted. We do not understand why this suggestion is being repeated.

With very great respect I repeat that last sentence of the Prime Minister. We do not understand why this suggestion is being repeated.

Then I have a paragraph from my old friend, Sir Gladwyn Jebb, which I shall not read because he is not here. But someone in the Council suggested that Sir Gladwyn Jebb's observation was rather nostalgic, in a way, of getting the troops back but I do not share that view and so I shall leave it.

On this draft resolution—and I ask Sir Pierson Dixon not to take this in the wrong way—and our minds, not only mine but also those of the people sitting around here, go back to those 300 years from Clive to Wellesley, from Wellesley to Dalhousie, from Dalhousie to Canning, from Canning to Minto, from Minto to Linlithgow. During all that period we have served to liberate our land from the presence of foreign feet on its soil with arms. This Security Council dare not ask us to accept the introduction of foreign troops on our sacred territorry. Therefore, the history of our country, being what it is, one of conditions, we have always said that there should be no foreign troops on our soil. If this brings back these sentiments to us and even to those of us who comparatively are uninstructed—I say this perhaps with lack of modesty—what kind of sentiments will come back to the masses of our people? Therefore, any suggestion of this kind would be unwelcome in India.

I wish to add before I leave that point that the introduction of United Nations forces which presumably would be constituted of volunteers of Member States, unless the United Nations proposes to form a foreign legion, would, in my submission, not only be a violation under instructions of the Security Council binding its members; it would be a violation by each Member State that countributes troops because we have bilateral relations with them. If a Member State were to send its troops to our country in violation of the Charter then they are not protected by the Charter. Their protection disappears on account of the illegality. I come now to the operative paragraphs. I shall make this very brief. As regards the representative of Sweden, who is the present President of the Security Council, we have already expressed our view. Perhaps, we should not say any more because it might embarrass him. Someone might suggest that the President of the Security Council is too well liked by India. It is true that he was Minister of his country in India but at the same time, I believe, that he was Minister

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[1] Security Council Official Records seventh year, Special Supplement No. One, Page 17.

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in Pakistan. I note that he is indicating that he was not so, I may be wrong on that.

At any rate, so far as we are concerned, whether one has been to India or not, our Government would never refuse hospitality to anyone who comes from the United Nations or indeed anyone who is satisfied with the kind of modest hospitality that we can offer. But when it comes to a discussion of a proposition we have to look at what he has. However, in the general context of never declining conciliation India will not be found wanting.

That takes us to the last part of the statement about the use of temporary United Nations forces. This draft resolution, in our submission, is totally vitiated by its preamble, in its introduction of the United Nations forces. I would ask the United Kingdom and the United States to consider that, in the way in which they have presented their proposal, they have established, what a lawyer would call, a *prima facie* case, that is, they have already given them a good certificate—it is a *laissez-passer* for this matter. Of course, it could be argued that it deserves consideration by the Government of India. That is a possible explanation. But I have given the answer; we have considered it for many years and we have rejected it. Therefore, so far as that is concerned, the draft resolution will be of no value.

Secondly, it will not meet the purposes for which it is required.

Sir Pierson Dixon, with characteristic sincerity, has asked us to believe that his country was common friend of ours—and I have forgotten the fact that he forgot us in numbering the other day, and I accept that in the way it is offered. But I would be failing in my duty if I did not convey to the Security Council, and to him, that the developments of the last few days and the promotion of Pakistan proposals either by or with the assistance of the United Kingdom have not served to soothe the difficult relations that have arisen as a result of many other matters.

My Government will not throw the baby out with a bottle of water. We are a conservative people even though all of us do not belong to a conservative party. We are a people who are attached to the people of the United Kingdom by many ties. But the basis of all that is mutual respect, and once that disappears other things become difficult.

I would be failing in my duty and it would be inaccurate to suggest that the reception of this idea on the other side is in the same way. Here is a report of the view of the Prime Minister of Pakistan. As everyone knows he has sent his congratulations and his appreciation and gratitude to the representative of the United States. After that he stated—this is a *Dawn* report and I do not say that it is an official paper; it was founded by the founder of Pakistan and is considered to be a premier paper—I hope I am not making invidious distinctions in Karachi:

> The Prime Minister of Pakistan paid a tribute to the role played by the United Kingdom in the Council deliberations and said that the United Kingdom had lent a great deal of assistance in the Kashmir question which was again responsible for the support received from the United States.

I am afraid that this is not very flattering to the United States but I am not reading out my opinions; this is the opinion of the Prime Minister of Pakistan. Of course, it may well be that he is so pleased with the matter that he attributes reasons in other ways. The United Kingdom is entirely free in this matter to take whatever position it wishes as a sovereign nation and as a permanent member of the Security Council. But so much has been made in this debate of our being two peas in a pod, of our common and equal relations and so on.

I was High Commissioner in London for five years and I had a great deal to do with relations of the United Kingdom and India.

I also had a great deal to do with our military organization as far as it concerned the United Kingdom in connection with supplies and so on. It would take much more than normal circumstances for me to believe that there has been any occasion on which we have been the object of any particularly favourable treatment. We never asked for it and we never got it. But we have always been treated kindly, courteously and with respect and I am sure that this position will continue.

But I would beg of Sir Pierson Dixon not to ask us to convey the view to our people that the attitude of the United Kingdom on this draft resolution is one of impartiality as between Pakistan and India. This does not mean that the United Kingdom is not impartial on the question according to its own lights. As far as we can see it, however, it would not be so regarded by our public opinion.

I express my thanks for the courteous way in which this difficult problem has been presented. This very bitter pill has been coated with a lot of jam but, nevertheless, the pill is very bad. It is not only bitter, it is poisonous—sheer poison, so far as peace is concerned.

Some concern was expressed by the representative of Cuba before the Security Council about the people of Kashmir. My Prime Minister stated the same thing. The people of Kashmir do not necessarily have to be separated from the people of India for this. It is their future, it is their economic and political stability, their rights of freedom and their hopes of the future. They have waited for a long time to have their difficulties settled and they have taken things into their own hands. Any attempt to rearrange this question and not to allow this matter to come about by direct negotiation between our two peoples, in conditions when Pakistan and India can mutually respect and trust each other, would be wrong. That cannot be done by resolutions of the Security Council or by resolutions of any other organ. That is a matter to which we have to make our contribution; I say with equal respect that Pakistan has to make its contribution in a greater measure to make up for its defaults of the past.

The first element would be to call off the dogs of hatred, the campaign of hatred. Our country will not tolerate threats and we shall not sit down under them. My Prime Minister stated yesterday that if it came to that we would perform our duty under the Charter of the United Nations, that is, to defend the soil of our country. We are not cowed down by these threats nor are we going to fall a victim to them by creating a war atmosphere in our country. We shall reject an attempt to introduce war elements in the way of a United Nations force following upon other war apparatus and military pacts upon our frontiers which have extended the whole realm of the cold war right into the heart of our country.

Will you say, Mr. President, that a responsible Government like ours does not have the primary duty for the Security of our country which in the last 800 years or so has been time after time invaded through the north-western passes and which for 300 years has lain at the feet of the conqueror? Are these not primary duties that we owe to you and to ourselves? Or are we to be intimidated by press propaganda, that we shall be called an immoral people? We are judges of morality. Morality is not a matter of voting. You cannot vote people into morality. If we acted against international morality that would be on our conscience and action would show.

India pleads not guilty and denies all charges of any attempt at violation. It begs of the representative of the United Kingdom not to throw aspersions upon our determination to observe these obligations. It begs of the Security Council to take into account that if we have any engagements those engagements are conditional. We cannot subscribe to General Romulo's theory that those preconditions are warranties. They are phenomenal; they have no integral relation—they are the foundation upon which a commitment is built. No part one, then no part two, no parts one and two, then no part three—that is how it is. Therefore, those conditions are fundamental.

Therefore, if we have addressed ourselves to this matter at length it is not because we want to win a resolution or to ask you to accept or reject a resolution. This is a time of great political excitment and activity when we have this barrage of propaganda from the north-west—thank God, not from our north-east—and all these mis-statements of fact about concentrations of Indian Army. I ask you: How do we concentrate these armies without having to pay for them? We have a Parliament, we have a budget—we have to find money. Where do we get extra troops? What is more, there are observers on the cease-fire line: if we concentrated troops they would know it and they would report to the Secretary-General.

Therefore, we cannot proceed in that context. I beg of you not to take a step which will aggravate the situation. There is always room for good men, men of wisdom to find ways and means. But these are not the ways. It is implied that we are wriggling out of a commitment. Newspapers of the country are led to believe that India is backing out of a commitment that was made and the world is not told the truth—the simple truth—that must be accepted by every member of the United Nations. How did Pakistan get into Kashmir? There is only one way that she got in, and that was by invasion. And is there anywhere in the Charter any provision for exercising, by use of arms, the right over a territory over which she has no claim—over which she may establish one in the future but over which she now has no claim?

I submit that after nine years there is bounden duty lying at the door of the Security Council to look back at the resolution of 17 January 1948, subsequent resolutions and the concealment of facts not only when the Commission went there but subsequently time after time. Accumulation of arms today and the continuous concealment of increase in arms, strength in air and on ground and everywhere—these are not only violations of the Charter but they are a threat. And those threats do not come from us. We as a country have given evidence of our loyalty to the Charter. With our meagre resources we have contributed to the safeguarding of peace. In the course of doing that we have incurred hostility from various sides.

Without introducing any element of controversy, I should like to conclude on this note: My country has deliberately chosen the path of an independent foreign policy. No pressures will elbow us into an alignment in one direction or another. We serve our people and the cause of international peace as enshrined in the Charter of the United Nations.

II

I would like, first of all, to express my deep regret that I may have contributed to the prolongation of the proceedings of the Security Council by my inability to be present here at the last meeting. I have done the best I can to meet the convenience of the Council and the necessities of the case by coming to the meeting this morning. I also would like to express my regrets to the Foreign Minister of Pakistan for not having had the privilege of listening to his observations in person but I have read them with great care.

On behalf of my Government I have intervened in this debate on three different occasions and have made statements which go into considerable detail, all of which my Government regards as essential and relevant. The fact that the Security Council has given it the attention it has, is proof of its importance.

I have read the nearly 60 pages of the Foreign Minister of Pakistan's statement, and if I were going to take this as the basis of answering it paragraph by paragraph and dealing with its accusations and allegations, it would take another lengthy statement. I am sure it would not be the wish of the Security Council that I should do so. And without in any way adopting the tenor of his speech, I would like to say that I have no intention of answering the personal attacks and reflections upon my country contained in his speech nor have I any intention of asking the Council to consider certain expressions used and the reference to certain fables and so on, which my Punjabi friends would say, are not in good taste, and, therefore, I will not touch on them.

At the same time, since, so far as the Government of India is concerned, its position has been affected in this matter on several occasions by allowing things to pass without an attempt to place them on record. I propose to take only such categories of points that have been raised and refer to total misstatements of fact, some of them entirely untrue, and I have the responsibility to the Government of India and to this Council to correct these misstatements because they affect relations between our two countries, the status of this Council and the peace of the world.

The whole of these misstatements is an attempt to confuse the whole issue. It would be wrong for me to say that they reflect any confusion in the mind of the author—that would be impolite. The first of these is to ridicule the idea that the Government of India has repeatedly referred to the facts of accession, aggression, sovereignty and such other matters, and my distinguished colleague found these words—I will not say offensive—rather boring. But they are the basis of this problem. Of course if you get the basis out of the way then you can do what you like with it in your own direction. But that is the basis of this problem. It was the basis of this problem when we came here; it has continued to be the basis of the problem at every meeting of the Commission, at every meeting of the Council, in every assurance that has been given to the Government of India —which was known to the Government of Pakistan publicly—and, therefore, we make no apologies for this. And, what is more, the Government of India will not resign from its fundamental position that Kashmir —until something else may happen, as I said before—is an integral part of the Union of India by its Constitution, by what it has derived from the British Parliament, by the fact of international law and—if I may say so without going into the legal argument—

I believe the British Government has the greatest experience in this matter in her relations with Portugal. Any municipal law which is generally accepted in other parts of the world attains the status of international law even if it is not incorporated. Here is a situation which is common to the great parts of the system of parliamentary government where we, as the successor state, inherit our status, our functions and our power by Parliamentary legislation and by the authority conferred on its ministers by the British Parliament and accepted by the two sides. That has been the basis of our position from the beginning. I do not want to elaborate this because I have gone into it in great detail.

If I correct misstatements of fact it is only because the Security Council should be aware that, on behalf of the Government of India, no statement--and I say this without qualification—has been made before this Council which is not supported by documentary evidence and, if it is challenged, we are prepared, if we are wrong, to withdraw it, but there will be no occasion for doing so.

Now, we did make the point that Pakistan delayed its acceptance of 13 August resolution, not in order to make a point of chronology, but because it was that delay which enabled Pakistan to make military advances that it hoped to make. And in the meantime between 13 August and 5 January many things happened and it rejected this and the Commission said so. The Foreign Minister tells us that this is not the case. He says: We accepted it a little later; we did the same as the others. Let me read to you what he said:

> It is very significant to note here that whereas Pakistan took a little time, a month or two, (Krishna Menon: A month or two is from August to December) in asking for clarifications and then accepting along with India the resolution in toto. Mr. Krishna Menon tried to create trouble because of this two or three months' delay.

With great respect, what I do here is not the concern of the Foreign Minister of Pakistan. I am not a subject or a citizen of Pakistan; I represent my Government and I wish that in future he would be a little more careful in making references to me.

What are the facts? The facts are—and this refers to 13 August resolution—that it took a long time. Pakistan made a reply fairly soon but this was a reply not of acceptance but a request for clarification. The Commission said that the reply had the character of rejection. This is what the Commission said:

> The Commission observes with regret that the Government of Pakistan has been unable to accept the resolution (Krishna Menon: That is the resolution of 13 August 1948; these are not my words) without attaching certain conditions beyond the compass of this resolution, thereby, making impossible an immediate cease-fire and the beginning of fruitful negotiations between the two Governments and the Commission to bring about a peaceful and final settlement of the situation in the State of Jammu and Kashmir.

There was no question of their accepting this 13 August resolution. They rejected it; and they rejected it for the simple reason that they did not want a cease-fire at that time. This is not a question of chronology only. This is a question of reasons, of why this was brought about. Therefore, first of all, the facts are not as stated and it is incorrect for the Foreign Minister to suggest that we have misquoted anything or misrepresented his position. We rely on the Commission's reports.

Now the next point I want to deal with, not one by one because there is not enough time, is with regard to what I call "assurances" here. I would request the members of the Security Council to study the documents which are before them; they will have time to do so, I hope. Now the assurances that are given to India are of a categorical character, that is to say, the Prime Minister asked certain questions. "Is this A B C? This is our understanding. Do you agree?" and the Commission said, "our interpretation corresponds"—whether it be Mr. Korbel or Dr. Lozano; or they gave a categorical statement. Therefore, there was a query and an answer which made a complete affirmation. That is the position with regard to the assurances given to India. Those assurances are part of the documents of the Security Council. They are assurances given by this body whether it be given by the Chairman or not. The assurances given to Pakistan were, I believe, with two exceptions of an entirely different character. The Pakistan Government asked certain questions. And the Commission did not say "we agree with this" or make certain interpretations.

Now the most characteristic of this is the one to which the distinguished representative of, I believe, it was the United Kingdom or the United States, I forget which one, referred to the other day about synchronization of withdrawal. Now the Commission told them that "what we mean by synchronization is very different from what you mean by synchronization." I do not call that an assurance. In an assurance two pieces must fit together. In our case they did. Every one of our assurances were of this character. And my submission is that, so far as assurances were given to Pakistan, we can only call them so-called assurances.

Secondly, the assurances given to us were published; they were not secret. Pakistan accepted two resolutions after those assurances were known. The Government of India cannot accept the position that you can read these documents separate from the Security Council resolutions which were accepted and the assurances which were endorsed by the Security Council.

Then we come to another aspect which is very important; the Government of India. I am from the Government of India; I have no personal feelings about this matter; I am accused of misinterpreting a paragraph in the resolution which refers to the truce lines. This has reference to Part II, Paragraph B(2) which reads as follows:

> **Pending acceptance of conditions for a final settlement of the situation in the State of Jammu and Kashmir, the Indian Government will maintain, within the lines existing at the moment of the cease-fire, the minimum strength of its forces which in agreement with the Commission are considered necessary to assist the local authorities in the observance of law and order.**

We made the point that this was a part of the agreement that was reached, that it was the responsibility of the Government of India for the security of the whole State. They have to go to the assistance of the local authority. "Local authority" was the name used exclusively for the entities in the occupied area. And the other was called the Jammu and Kashmir Government—and the Indian Government had to maintain these within the lines existing at the moment of the cease-fire.

Now the distinguished Foreign Minister tells us that these lines, the plural lines, refer to different cease-fire lines. I refer the Security Council to its own map—this is a map which, unfortunately, does not have a page number but it follows at the end of this book which is the third interim report of the Commission. I do not know whether anybody can see it, (indicating) that is the cease-fire line. There is only one line. There are no two lines of the cease-fire. I have behind me the Military Attache of the delegation of India to the United Nations who spent three years in Kashmir in the campaign. What is more, he has spent the whole of his military life in the Punjab—the area we are referring to.

The lines that are referred to are battle lines of the disposition of forces as they were then. There can be no other lines. There was only one cease-fire line.

Does the Security Council believe that after all these months of discussion they would have put in here a plural which has no meaning, that it is entirely with the other, the local authority. They have repeatedly stated the Government of Jammu and Kashmir and the Government of the whole State as being the local authority. "Local authority" are the words used for this purpose. Therefore, I do not propose to go into all the dissertations in the Oxford dictionary. The meaning is very clear.

At that time we were thinking in terms of a quick cease-fire, the real local authority as the proper government, and then going on to other part. Consequently, so far as we are concerned, there has been no attempt to mislead the Council. We have never misled the Council and we do not intend to do so. If our case is bad at any point we are prepared to accept that decision. And that is what is here; there is only one cease-fire line.

What is more, later on, Mr. Korbel, who was the Chairman of the Commission, said:

> The responsibility for law and order which includes security is that of the Government of India. This is another part of the assurance which you have in your documents. So you cannot get away from that one.

We come next to the question of incorporation. The Foreign Minister was surprised that we brought this matter up just now. Though he said that we—presumably the Government of India—make trouble, we do not chase trouble. We know that *de facto* this territory has been under their authority since the cease-fire and the deterioration of the situation since they disregarded the injunctions of the Security Council and acted as though to reap the fruits of invasion. But it was only when they took an overt illegal act that the Indian Parliament sat up and took notice. It was not as though the Government made this difficulty. The Indian Parliament naturally turned around and asked: How is it that a neighbouring State has a right to a part of the territory that, under the Indian Constitution, is Indian? No country here would permit that. So Pakistan accepted Chitral's accession, which it had no right to do because Chitral had no right to accede as it was only a feudatory State.

There is all this reference to how the people of Chitral will vote. You know that it is a very dangerous thing for a gentleman to come here and tell us how people are going to vote because that knocks the bottom out of free elections, if anybody is going to tell me how people will vote before the vote is taken. That is why we did not bring up Chitral until the Pakistan Constitution.

Then the representative of Pakistan informed the Council—I will try to make this as brief as I can—that the incorporation of Kashmir is provided for in section 203 of the Constitution of Pakistan. There it says that when the issue is decided Kashmir shall become part of Pakistan. It is decided in their favour. My submission is that that reference is to the part of Kashmir which they do not have. That incorporation refers to the part of Kashmir which is now under Indian administration and which, if they did get, would then become part of Pakistan. That is what section 203 is for. The present thing is covered by Article 1(11)c of the Constitution of Pakistan. I think I circulated it. I am speaking from memory. I believe that it definitely says that every area under Pakistan administration is part of the State of Pakistan. And this area is under their administration—so it is *de facto* and it has been stated by the Commission. What is more, it is administered by them. There is a Minister of Kashmir Affairs. There is no question that this was under Pakistan administration. If it is contended, as it is sought to be implied in a later paragraph, that we cannot ask these people to have elections because they are independent, does the Security Council believe that these people are capable of raising 45 battalions of artillery and infantry with modern equipment part of which was supplied to Pakistan itself by foreign countries? Are they capable of bringing these armies to that level? What is more, there is a submission made by their own administration, not ours, which the Pakistan Government regards as the national movement in "Azad" area, its memorial to the Constituent Assembly complaining about the way they are being treated. The phrase, I believe, is that they cannot even appoint a peon--peon means a porter, a messenger or something of that kind—in "Azad Kashmir". That is the position about the incorporation.

Then there is a reference in three different places which is very vital to us in regard to what we consider as the essential quality in any kind of election or plebiscite—that is freedom from religious propaganda. That is to say, no one shall be subjected to threat or to fear that he will suffer disabilities in another world if he votes in this way, that way or any other way. This is not only against the character of a secular state but against the whole conception of the United Nations. It is embodied in various declarations of ours, and I have quoted them. The Foreign Minister said that the Government of India can claim no credit for this which was done by the British Government in 1920. Well the British Government did a lot of good things as well as a lot of evil things. They did a lot of good things and, when we adopted them, they became ours. But in fact that is not the case. The wording of the election law I read out to you is our own. I am not sure that the British wording was not better phrased but here it was ours. However, that is not the main point. The main point is that I am surprised and rather worried about the fact that the Foreign Minister made a difference, a distinction—and I do hope that some of his very trusted friends will listen to this—which either the United States or the United Kingdom has not made in all cases against a plebiscite for over 30 years—between an election and a plebiscite. He suggests that it is right in an election not to appeal to these things but that in a plebiscite you can appeal to anything. If that is so then we know where we are. If you want references, they occur in document S/PV. 770 on pages 17—20 and 23—25.

The next point to which I want to refer is the charge levelled against us in regard to 5 January resolution. I still state, on behalf of my Government, that 5 January resolution elaborates Part III of the resolution of 13 August. It is not a separate document or a separate agreement. After five months of negotiation, the Commission said: One, if Part I and Part II are observed, we will then come to Part III. Then the two Governments confer. This is the plan upon which you can work. I think nobody put it better than the representative of Colombia whose speech I read. Any kind of contract may be very beautiful. But unless you put your signature to it, it has no value. Here, however, it goes further than that. This is merely a working plan. It is like an architect's blueprint.

If all blueprints made by architects were buildings then I am afraid the world would be overbuilt. That is the position.

I want to go back to the Commission on everything. The Commission talks about 5 January resolution. Mr. Lozano, who was Chairman of the Commission, made two references to this—one is brief and the other is a fuller statement. I do not want to read both. I will read only the fuller statement which is contained in the UNCIP third interim report document S/1340, Add. 1, Annex. 8. It is as follows:

> Mr. Lozano explained that the proposals did not supercede Part III of the resolution of 13 August but were in elaboration of it. (Krishna Menon: that is exactly what the Government of India says). They did, however, take priority over the consideration of alternative methods....

That is to say, the Government of India has suggested that while it is true we are discussing plebiscites if we want a settlement why do we not consider everything else? Therefore, Mr. Lozano said:

Let us get through with this plebiscite business and see whether we cannot do it

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in this way. If we cannot do it in this way, we will do it in some other way.

The fuller reference of Mr. Lozano continued as follows:

> And every effort had to be made towards putting these proposals into effect.

It was in this connection that Mr. Lozano expressed the view that

> If the Plebiscite Administrator should find a plebiscite impossible for 'technical or practical reasons', he or the Commission would then recommend to the Security Council a solution different from that of a plebiscite and acceptable to the Governments of India and Pakistan.

This makes it quite clear that 5 January resolution has no life. I think that is the only way to put it. It is inanimate without Part III of the 13 August resolution. The 13 August resolution has the character, I have mentioned to you. It is an obligation upon us after Parts I and II are performed, after law and order is restored, to confer with the other side about the fair means of any plebiscite. Now, how can you get away from that? My colleagues in private tell me that this is against this and that is against that. I want them to answer this question. Just because one promises to discuss a plan, does it mean that one agrees to the principles of it? No, he said "if a plebiscite comes we shall do it this way, that way or the other way".

A great play has been made, both by the Foreign Minister and by his friends, of the fact that the first paragraph of that resolution refers to a plebiscite and, in the preambular paragraph, it says:

> It is on this basis that this programme rests in order that this may be done and a certain course may be followed.

Therefore, I refer you to the quotation I have just read out which is from Document S/1196 Annex. 4. I do so for two reasons. First of all, I do not want the Security Council to be left in any doubt as to our misleading them. We would sooner lose a point than try to go behind the Council. If our position was the other way, we would not have been in such a situation.

With regard to withholding of information, I suggest, that if there was no other factor, that the Pakistan Government did not convey to the Security Council the information it should have conveyed and that the Commission, time after time, had said that this made a difference. Let us take the point that the United States and the United Kingdom are so obsessed about demilitarization. I do not use the word 'obsessed' except in a very textual sense. Sir Pierson Dixon is a classical scholar and has an accurate mind and so he would not mind.

Demilitarization is the crux of the matter. Now, I invite you to read statement after statement of the Commission where it said that the whole of this demilitarization question had been bedevilled by the fact that after the signing of these documents, particularly after 15 August, and even after 15 January, the Commission came to know about the build-up of "Azad forces", about the creation of an army, about the annexation of territory, about the occupation of the northern areas. In fact, they disregarded all resolutions from 17 January onwards. I cannot understand this very un-Anglo-Saxon procedure of taking a thing at one end and forgetting the whole background of it.

The whole of the demilitarization procedures have been bedevilled by this, and that has arisen from the fact that the Security Council was not informed. The Security Council was informed, I think, on 15 January 1948 that the Pakistan Government was not concerned with these marauding raids, and they denied our charges.

They said that they were not there but soon afterwards the Commission found them there. Information about "Azad forces" was not given. What did the Commission say about it? They said:

> This constitutes a material change in the situation.

A material change is a change that goes to the root of the matter. When you have a material change how can you go on playing about with words that were written down without taking that into account? That is why further assurances were to come.

I should like, therefore, to request the Council to read the assurances given by Mr. Lozano to the Government of India in regard to large-scale disarming and disbandment of "Azad Kashmir forces" and the wording used to the Pakistan Government, which, unfortunately, if I may say so for him, the Foreign Minister has quoted. He said: "Disbandment is not contemplated by the resolutions". In other words, what he said was: When the resolution was written, you did not tell us about this; we did not know; and that is why we had to give the assurances.

This habit, the Council has been led into, of treating the two sides on the same footing, is what has bedevilled the whole situation. What are given to us are assurances. They are protocols to a document. Others are not; others are just discussions. What the Commission told them was that the resolution did not contemplate the disbandment of the "Azad forces". The resolution could not, because the resolution did not know that they were there. In other words, he is telling them politely: If you had told us, it would have been there. His assurances were public; therefore, they must have known them.

On 19 August 1948, the Foreign Minister of Pakistan, in a memorandum attached to the letter of the same date to the Chairman of the Commission, stated:

> While the Security Council was still engaged on the consideration of the Kashmir case, India was steadily building up its armed forces in Jammu and Kashmir. This building-up process did not cease on 21 April 1948 but was continued and intensified. The Indian Army mounted a big offensive in the beginning of April, thereby, causing a material change in the situation.

The Commission had not said this.

This offensive action has continued ever since. He publicly declared that the intention of the Government of India was to come to a military decision in Jammu and Kashmir thus presenting the United Nations Commission with a *fait accompli*. This situation not only put in jeopardy the entire population of the areas under the "Azad Kashmir Government", and led to a big influx of refugees into Pakistan but also constituted a direct threat to Pakistan's security. It was this which compelled the Government of Pakistan to move their troops into certain defensive positions.

This is the defence for its invasion and the fact that it was hidden from the Security Council. This is the Foreign Minister's statement. What is the Commission's answer? The Commission said in paragraph 4 of appendix to the letter of 27 August 1948 from the Chairman of the Commission, in Annex. 27, Document S/1100:

> The Security Council resolution of 21 April 1948, which sets forth the terms of reference of the Commission, was adopted with the cognizance of the presence of Indian troops in the State of Jammu and Kashmir. The presence of Pakistani troops in Jammu and Kashmir, however, constitutes a material change in the situation in as much as the Security Council did not contemplate the presence of such troops in that State nor was it apprised thereof by the Government of Pakistan. The Commission cannot accept the statement in the memorandum that the Commission's description in this respect "is one-sided and inadequate."

I ask you whether that is not, in polite language, a statement by the Commission as regards the Security Council's resolution and the legitimacy of Indian troops in Kashmir and the fact that the incursion of Pakistan elements was concealed from the Security Council, that this was a misdemeanour—a gross error is a wrong word—an offence against the Security Council and the Charter and, therefore, constituted a material change and it repudiated challenges made to the Commission itself. This is part of the Commission's statement and I do not see how the Security Council can get behind it.

There are two references to military aid, in one of which our friends of the United Kingdom came in for a reference. There is a reference to military aid to Pakistan and economic aid to India. I am very sorry to have to go into this because arrangements between the United States and ourselves and, in the same category, arrangements with Pakistan are bilateral. They are published documents and I hope the representative of the United States will not mind my saying that the greater part of dollars going into India are part of our own money, raised from banks, and by way of loans, and in other ways but when generous aid from the United States comes, it is for specified purposes and we cannot divert, it. What is more, it is part of the policy of the Government of India, from which it does not deviate, that for every dollar that is given as aid, the Government of India contributed 8 dollars. Otherwise it would not go into the project to become dependent upon foreign aid. Therefore, it is wrong to suggest that economic aid that comes from anywhere, whether we build plants through Germans or Russians or Americans or the British, by long-term loans or what not, enables us to divert our position. This economic aid is not in reference to the feeding of our people except in regard to the wheat loan but is in reference to future projects. Therefore, it is not as though we take it from a till and give it somewhere.

I think that this is a gross perversion of facts and something that my Government cannot let pass unchallenged. I think it is a slur on the United States Government because they are extremely careful, so far as we are concerned, as to the way in which money is spent. We are anxious that they should know exactly where the money goes because we have no desire to divert any foreign aid, no matter from what country it comes, whether it be under the Colombo Plan or under a United Nations plan, to any other purpose. To make a statement of that kind, I think is a very unfriendly act to a neighbouring country which is trying its best to live in friendly relations with them.

Military aid to Pakistan, on the other hand, is another matter. There are no published figures on this aid. We have some idea of it, however. It is our business to have some idea of it. No one knows the quantity of this aid and, what is more, it is very difficult to calculate the quantity of this aid in dollar terms, because a great part of this equipment is the material which was left over from the previous war and which is good enough for use in fighting against us. All we can say is that the quantity of the United States aid, as the Prime Minister stated several times last week, is very considerable, and is so considerable as to challenge our security.

I have stated more than once in the Security Council, and I must repeat it now, that we do not question the assurances of the United States Government that this aid is not given for that purpose. But we deny that the United States is capable of preventing the receiver from using it for whatever purpose it wants. That is our position.

A reference has been made to our purchase of bombers in the United Kingdom. The purpose of all this is to create an atmosphere to show that we are embarking upon a large-scale invasion. I am very sorry that this reference has been made because these Canberra bombers from the United Kingdom have been the subject of negotiation for two or two and a half years. In fact, I believe that I started the negotiation myself. The negotiations have been going on for a very long time. The British are very slow in deliveries because of their own commitments and everything else, and we are very particular about getting them on terms that are suitable to us. Bargaining goes on and the arrangements go on and all this was finalized the other day. The Government of India deeply regrets that from some source in the United Kingdom, not connected with the Government, it leaked out into the Press at a time when this discussion was taking place. It has been synchronized purely from a propaganda point of view. This transaction constitutes normal replacement. When the British left, there were other bombers which belonged to a period of ten to fifteen years ago. If one has an air force, one might as well have it equipped with modern weapons. That is all there is to it. It constitutes an ordinary replacement for the bomber force of the Indian Air Command.

A reference was also made to India's retention of large quantities of military material that were left in India by the British. I am asked to make an emphatic repudiation of this statement, and to express our surprise that the Foreign Minister of Pakistan, even though his relations with his Government in an official capacity are recent, should have been guilty of this statement. The moment that partition was decided upon, we set up a Partition Council on which our two sides were represented and arrangements were made. What was due to them, we have given them. Where it could not be given, we had paid them for it. I think that, if anything, the balance was the other way round. Therefore, there is no truth whatsoever in that statement, and I am sure, that if there was any truth in it they would have motivated the British to do something about it.

Repeated references were made about Indian troop movements. The purpose of all this was to convey the impression—not so much to the Security Council but to the world—that India was preparing for aggressive action. It is not a secret that India has an army, and we hope it is a good army, if the time should come to test its strength. There is nothing very secret about these troop movements apart from the normal secrecy which the military maintains. It is not usual to refer to troop movements in a public debate of this character and, quite frankly, I do not know how much of this is what the United States would call classified information. However, since we have been challenged on this, we might as well speak of it. I am authorized by the Prime Minister to state that the whole orientation of this, in the sense of troop concentrations anywhere, is entirely false. I have stated this once before.

A reference was made to the movement of the 166th Brigade (5th division) from Dalhousie (Punjab, India) to Pathankot on the Indo-Pakistan border. This is a normal process which has taken place from British times—it has certainly taken place from independence time. That movement had nothing to do with this particular year. It is something which takes place at this season. It is the normal process of moving troops at this season of the year. We could not keep them at Dalhousie at this time. It is quite a normal practice for a brigade, upon completion of its training, to return to its permanent location.

A reference has been made to the 123rd Brigade. All I can say is this: there had been no addition whatsoever to the divisions on the East Punjab and West Pakistan border. I submit this as a solemn statement on behalf of the Government of India—we have not indulged in any troop concentrations; in fact, our normal defence against Pakistan, if there should be any trouble, would be by our armed police. It has not always been satisfactory but it is far better to take the risks of being hit once or twice rather than to take the risk of a general scuffle. A reference was made to the 27th division. Here again, there has been no change whatsoever—no change in the formation, no change in the units, no change in the strength.

A reference has been made to the 2nd Armoured Brigade. My colleague, the Maharajah of Patiala who sits behind me, knows that this Armoured Brigade has been in Patiala for the last six years. There is nothing new for us to go there, and that is near this area.

The Security Council was informed that the First Armoured Division is now in Jhansi, presumably, banking on the fact that the Security Council would not be familiar with the map of India without looking at it. For, Jhansi is very far from the Pakistan border. In fact this regiment had been at Jullundur before it was moved further away to Jhansi. I note a mark of impatience on the faces of some members which I can quite well understand. I did not want all these details to be given, but when a government is charged with concentration of troops and preparing for war, it is necessary to clarify the position. We have done nothing in that direction even though we have knowledge, through our intelligence service, of preparations on the other side, and the danger which we are facing. We do not want to be put in a position before the world that we have gone into mobilisation, and we do not want our people—and this is our greater concern—to get into a war fever. For those reasons there have been no changes whatsoever, and I repudiate every one of the insinuations contained in those statements.

I come now to the question of censorship of the press. I hope the United Kingdom representative will have something to say on this score. I should like to ask him, through the President, the following question: If a United Kingdom national had been manhandled, would not the United Kingdom Government have taken some action in the matter—privately, publicly or otherwise? Since the United Kingdom representative has told us that we are three equals with him in Asia, perhaps he would tell us some time whether his Government has any reason to protest.

It is significant that the United Kingdom newspapers which have been quoted by the Foreign Minister of Pakistan are of a particular character—and it is not my intention here to use invectives, because I am polite. The *Daily Mail* and the *Daily Express* have been quoted by the Foreign Minister of Pakistan. The Kashmir Government has looked into the matter and it has denied a report broadcast by the B.B.C. and Pakistan Radio—there is a relationship between the B.B.C. and the Indian Radio and the Pakistan Radio and, therefore, when the Pakistan Radio broadcast something the B.B.C. picks it up as normal news—to the effect that two British correspondents, who visited Kashmir, were attacked by hostile crowds and were unable to leave their hotel. A press note issued by the Kashmir Government reads as follows:

> There is no truth in the report broadcast by the B.B.C. and the Pakistan Radio that two British correspondents, visiting Kashmir, had been attacked by hostile crowds and were now unable to leave their hotel. The two correspondents, who arrived in Srinagar last week, have been afforded all facilities and treated with the utmost courtesy by all concerned. They have been moving about freely, interviewing people. The allegation that the two correspondents were attacked by hostile crowds is presumably based on a minor incident which took place a few days back when there was a demonstration in Srinagar in connection with the Security Council's latest resolution on Kashmir.

And I suggest that demonstrations take place in this country too, when there are draft resolutions before the United Nations. Our people are allowed to demonstrate and no one was manhandled. I continue to quote from the Kashmir Government's press note:

> The two correspondents were accompanied by a State Government information officer and were going in a jeep when they were caught up in the midst of a group of demonstrators. It is true that the demonstrators were excited, but at no stage were the correspondents attacked or hurt in any way. All the same, they were afforded adequate protection by the police. The allegation made in the B.B.C. report that "they were kicked and punched and red hot charcoal poured from braziers" is absolutely baseless. The two newsmen continued to enjoy the various facilities extended to them and have been visiting places On Sunday (Krishna Menon: That is, two days afterwards) they went to the Moghul gardens and, today, they have gone out duck shooting.

I submit that the correspondents could not have been very badly burned if they were able to go out duck shooting. I continue to quote:

> The Jammu and Kashmir Government wishes to make it clear that foreign visitors to Kashmir can, as in the past, look forward to all facilities and courtesy due to them as tourists.

In fact the Kashmir Government has a vested interest in this matter. A considerable part of its revenue comes from tourist trade and it, therefore, does not want to make any difficulty for anyone wishing to come to Kashmir.

I shall not repudiate everything else that has been said by the Foreign Minister of Pakistan in this respect. I would only say that all United Kingdom newspapers which have been quoted by him are newspapers which for more than a generation have attacked Indian independence. These newspapers have been against the national movement in India. This does not, of course, mean that the United Kingdom Government or the British people are against that movement. In every country there must be different organs of opinion. But the fact remains that the newspapers quoted by the Foreign Minister of Pakistan have been against Indian independence and have been particularly bad in reporting news so far as we are concerned. I have no doubt that some of these reporters wrote one story for newspapers and told a different story to other people. These are the facts.

At this stage, I should like to read out to the Council, extracts from a syndicated column by Mr. Elmore Philpott, a Canadian Member of Parliament, which appeared in the Canadian press a few days ago. We have ascertained that Mr. Philpott is a gentleman of high repute whose opinions are respected. In his weekly column, Mr. Philpott accused the western press as a whole of being unfair to Prime Minister Nehru. So far as his stand on Kashmir is concerned, Mr. Philpott said:

> It never was true that the Indian army 'seized' Kashmir as many American newspapers are now stating with a complete disregard for actual facts.

Recounting the sequence of events in which Kashmir was actually invaded by wild mountaineer tribesmen on 22 October 1947, the orgy of violence and destruction that went on and "the signing of the instrument of accession by the Ruler of Kashmir", Mr. Philpott said:

> While it is true that the Ruler of Kashmir was a Hindu it is equally true that the victims of the invasion of Kashmir were mostly Muslims. (Krishna Menon: I would remind members of the Council that I have already informed them of this fact) and the whole Muslim population of the valley of Kashmir was frantically appealing for protection from the wild invaders... the Indian army at that time was still under the command of British officers. (Krishna Menon: The Commander-in-Chief was General Bucher) A combat team of 355 men was flown in one of the most timely and clever airborne operations of our times. A small force arrived literally in the nick of time to save Kashmir, not so much for India, as from the violence of the mountaineer invaders. It was considerably later, when the Kashmir trouble degenerated into an actual war between India and Pakistan. For a week or even months after the original outbreak, the Pakistan Government tried to convince the world that it had no direct part in the events in Kashmir. Time after time the United Nations arbitrators have found that Pakistan has no *locus standi* in Kashmir on any basis of legality....Mr. Nehru told me in 1951 that he was completely in earnest about permitting a free vote in Kashmir. But he insisted that Pakistan must meet certain prior conditions including complete withdrawal of her armed forces from all disputed territory before the vote.

I have already stated our position with regard to a United Nations emergency force. I shall refer to this question again when we reach the stage of discussing the draft resolution.

I have no desire to go into the anecdotes and fables mentioned by the Foreign Minister of Pakistan. I would only say that I deeply regret the way he has chosen to treat this subject so far as we are concerned. The Security Council must be the judge as to the manner in which we have presented the facts as we see them and have sought to rely on available documents.

At this stage, I should like to make the position of the Government clear beyond any possible doubt. Whatever I say in this connection must be viewed in the background of this story—which has been submitted to the Council on many occasions and in the light of all points that have been outlined to the Council with respect to the position of Kashmir which is not a no-man's land.

When on 1 January 1948 we submitted a formal complaint to the Security Council under Chapter 6 of the Charter we were not asking the Council to settle a territorial dispute. I would ask members of the Security Council whether they can show me any evidence anywhere to prove that a suggestion of this kind was made. We came to the Security Council to ask its assistance under Chapter 6 of the Charter. We informed the Council that if that were not done other consequences would follow. Without withdrawing that position I would say this: at the request of the Security Council and some of Mr. Jarring's predecessors, as Presidents of the Council, we expressed our willingness to consider various methods for a pacific settlement. And I would emphasize that we brought this matter to the Council under Chapter 6 of the Charter—a fact which seems to have been forgotten. We could have invoked Chapter 7 but we preferred to invoke Chapter 6. Under specific methods for a pacific settlement, various plans have been suggested. I would submit to the Council that the essence and basis of all these procedures—whether a resolution of the Security Council, the requests we have made or the caveats we have entered and accepted—is that whatever may happen in the future, the territory of Kashmir, an integral part of the Union of India, that an aggression has taken place, that the Jammu and Kashmir government is a sovereign Government, that India is responsible for the security and interior order of Kashmir, that peaceful conditions must be restored before anything else can be done and that accession is a continuing accession, capable of termination by the Government. Furthermore, we have obtained assurances which are incorporated in the resolution passed by the Security Council itself that the only legal authority that can do anything in the State of Jammu and Kashmir is the sovereign authority. This has been emphasized time and time again. Thus, all the procedures which have been before us have been pacific procedures. In pursuit of the carrying out of these pacific procedures, two resolutions have been adopted. The Government of India, therefore, requests the Security Council to consider, in the past nine years, whether these pacific procedures have been followed or they have been violated. Of course there are minor violations in all procedures. There are minor violations by either side. But are they violations that go to the root of them? That is the first point. The second is whether these procedures are violated by concealment of facts and, therefore, the basis of the approach disappears. Therefore the Government of India asks compliance with section B of Part I of 13 August 1948 resolution which is not observed by the Pakistan Government and is, therefore, a violation of the cease-fire order.

The Foreign Minister of Pakistan said that if there were violations of the cease-fire order, the observers would report the violations. In fact they do. There are violations. Sometimes there are violations from our side. Somebody does this way or that way. Sometimes they come in. They are reported and the matter is settled. But it is definitely laid down, not in this one, but in the cease-fire agreement which concerns the observers that they have nothing to do with political questions. This is a political question. And this is what it says. Paragraph B of Part 1 reads as follows:

> The High Commands of the Indian and Pakistan forces agree to refrain from taking any measures that might augment the military potential of the forces under their control in the state of Jammu and Kashmir.[1]

The Government of India categorically states that since this agreement was signed on 5 January, Pakistan has introduced into the territory of Kashmir, occupied by it, very large quantities of military equipment; it has trained a considerable army; it has created air-fields and has made it a base of attack against us endangering our security. Therefore, before we proceed any further, before we even talk about Part II, the Security Council, I submit, has a place in this agreement. There has been a tendency to talk about this as though this is what we undertook with Pakistan and Pakistan undertook it with us.

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[1] UNCIP resolution of 13 August 1948.

The Security Council told us: "You people settle this on this plan". Therefore, the Security Council took over. Therefore, their moral responsibility is certain and whatever legal responsibilities can be brought to its door under the Charter, it must see that this is carried out. The Government of India is entitled to ask today after nine years why the material brought in after the cease-fire order, apart from all questions of demilitarization, is not removed. Secondly, Part B does not require any action. In fact, it does not call for any action from India at all. It is an action that the Pakistan Government has to take, not only in pursuance of this resolution but also in pursuance of the resolution of 17 January, which they not only violated but in which they acted in concealment, acted in such a way as to conceal facts from the Security Council. Any Government that is guilty of concealing material facts is out of court before the Security Council. Therefore, the Government of India requests the Security Council to interest itself in its responsibility as one of the parties to this matter and to point out that Section B, Part I, of this cease-fire order is being violated.

Part E of the agreement states:

> The Government of India and the Government of Pakistan agree to appeal to their respective peoples to assist in creating and maintaining an atmosphere favourable to the promotion of further negotiations.

I have made statements and produced evidence before this Council many times. I did not have too much difficulty because the Foreign Minister of Pakistan himself produced evidence by his statements. The first speech was an ultimatum to the Government of India. Here are reports from the press in Pakistan which refer to the preparation of the tribesmen for the invasion of Kashmir and these were not non-Pakistanis. Baluchistan is a part of Pakistan. There are persons who are in an official position in relation to all this. I quote from the *Dawn* of 17 February, 1957. The *Dawn* Quetta correspondent wrote as follows under Quetta dateline of 6 February:

> A deputation of the Afghan Pawindas of the Tarak tribe today waited upon the Political Agent of the Quetta-Pishin area and offered their services for the liberation of their Kashmiri brethern. They said that the Tarak tribesmen were ready to sacrifice their all to liberate their Kashmiri brethern from Bharati (Krishna Menon: That is us) tyranny. The deputation consisted of Malik Ehurran Khan Taraki, Malik Akko Khan and Malik Abdullah Khan Hotak.

Here is another article from the *Dawn* with the Rawalpindi dateline 8 February The article stated:

> In the event of the Security Council's failure to bring Bharat (Krishna Menon: That is India) to reason we shall not hesitate to revive the liberation war to free our enslaved brethren on the other side of the cease-fire line.

Said a resolution passed recently at a representative gathering in Skardu:

> We are much perturbed at seeing our brethren in occupied Kashmir marooned into an unconstitutional accession.

Here is another article from the *Dawn* with Quetta dateline of 9 February:

> Mir Habibullah Khan Nausherwani (Krishna Menon: I suppose he is the head of the place, the former ruler of Bhearant State) said that he, along with his tribesmen, was ready to sacrifice their all for the liberation of Kashmir. He has requested the Additional Commissioner, Kalat Division, to convey his offer to the Pakistan Government.

The duty of any civilized Government today, when a citizen of that kind offers to attack the neighbouring country, is to have him taken under their law. Pakistan owes an obligation to the international community, when any citizen of theirs makes statements of this kind, to take action

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against these people. But instead of that, our information is that very considerable concentrations are taking place, and as I have stated before in the Security Council, the pattern is exactly the same as it was in 1947. It is our duty under the Charter, and I say this with all the feeling I personally have and that my Government has about war, if our territory is invaded, to resist that invasion.

I am directed by the Government of India to repeat what it has said before that any invasion of any part of India is an invasion of the whole of India. The Government of India would regard an attack on Kashmir as an attack on India and would take action accordingly. That was their position from the very beginning because if they did not take that position then they would have said that Kashmir is not a part of India. Therefore, any attack on Kashmir is an attack on the whole of India.

We came here on the last occasion to save ourselves from this position. We said to the Security Council: "This attack means that we have to invade Pakistan. We do not want to do that. Please ask them to go away." And this is the result. Therefore, in the first instance, the Government of India seeks from the Security Council some consideration. Instead of concentrating all its attention on matters which are incidental to so many things happening beforehand and which are not integral to a settlement, it should obtain the observance of these conditions or declare them aggressors. They have to withdraw and it does not require any action from anyone else. I read out to you the Commission's report that they knew that the Indian forces were there and the responsibility they had for the defence of India. Therefore, with regard to Sections B and D, the Government of India requested that this action be taken. The Government of India requests that note be taken of the fact that according to their constitutional procedures, according to their public opinion and according to constitutional and international law, an attack on any part of a country is an attack on the whole.

With regard to the remainder, I have gone into the details very many times about this truce agreement regarding the withdrawal of the Pakistani troops. Part II, Section A, of the Truce Agreement states:

> As the presence of the troops of Pakistan in the territory of the State of Jammu and Kashmir constitutes a material change in the situation since it was represented by the Government of Pakistan before the Security Council, the Government of Pakistan agrees to withdraw its troops from that State.

I submit that is not a conditional offer. It is an offer *per se* because it is more or less a penance for concealing the facts from the Security Council. The Pakistanis have come here and said: "We are not invading. Our troops are not there". When they were found out the Commission dealt with them politely and merely said that it was a material change.

The Foreign Minister of Pakistan has quoted Sir Owen Dixon whose opinions have not been favourable to us, but he is a high judicial luminary and to suggest that he made an observation in order to get India's agreement—that is the phrase that was used—is, I say, a very serious statement to make about the Chief Justice of Australia. But I have quoted the whole of the paragraph—so has the representative of Pakistan. What does it say? It says the following:

> I cannot go into this question of agression. I am not going into it, but irrespective of that, I say that there has been a violation of international law when they crossed this territory.

That is not to say that this is conditional upon something else. What he was saying was this: Whether there were previous factors, as Mr. Zafrulla Khan urged in this Council, or whether there were other matters to be considered, first of all, he was not entitled to go into it, but without all that he would say: "There has been a violation of—territory". There was a breach of International Law which is aggression. And, I submit, that to suggest that Sir Owen Dixon said this only in order to persuade my Prime Minister to agree to something is, in my view, a reflection of character which, we regret, has been made about the Chief Justice of Australia.

Therefore, Paragraph 1 has to be observed and that observance, I submit to the Council, does not require any action from anybody else and, what is more, it is an action that called for a precedent to anything. Therefore, Section B of Part I, Section E of Part 1, and Section A of Part 1, are conditions, are actions, that have been taken by the Government of Pakistan unilaterally and out of consideration for the agreements which it has entered into. Furthermore, and, above all, in pursuance of this resolution of 17 January, and even further in pursuance of the respect for international law and behaviour because assuming for argument's sake that there are flaws in our title, how did Pakistan come into Kashmir? It came in only by invasion. What has the Security Council done about asking Pakistan how it incorporated this territory? What has the Security Council done about asking these people whether the populations in Gilgit or in western areas in the so-called Azad Kashmir or in Baluchistan have a vote? Can they express themselves? Why do they not have these things? Is there any economic development? No, they have been prevented by the occupation; and the efforts of the Kashmir Government and our Government have been to try to bring political liberty and economic emancipation to the area. So, the third point which I wish to make is that Section A, Paragraph 1 of Part II has to be carried out. The same applies to Paragraph 2 as well. Then comes Paragraph 3 on which the Foreign Minister of Pakistan entered a caveat when he spoke last and which I have explained today. There is no doubt whatever from the working of this paragraph and supporting documents in this matter that the administration of this area must be by local authorities, that is to say, there should be no Pakistani interference. It is not Pakistan's sovereign territory and it is the duty of the Government of India, under the subsequent paragraph, to go to the assistance of the people there if there should be a danger of an invasion. I make further request to the Security Council, faced as we are with this present situation in which there is a campaign of hatred, that the Government of India believes—and I hope that the Security Council believes—that, apart from all agreements, it is a basic condition that no pacific procedures are possible except in a pacific atmosphere and, therefore, Section E of Part I becomes fundamental to any procedure. How can there be a plebiscite or anything else without pacific procedures? How can there be pacific procedures under threats of war and of *Jehad* and a holy war and the invasion of our country and the name-calling all the time? Unless there is an alteration in the situation, it is quite impossible to achieve any settlement or any approach towards a pacific settlement in any dispute that is important and, therefore, it is more important with us.

We are quite prepared at all times to seek methods of conciliation. The Government of India, therefore, desires me to state that, having regard to the Security of India, its north-western borders today are threatened by an army which is out of proportion to what it was before—and I repudiate the assertion by the Pakistan Foreign Minister that this country's army is one-third the size of India's army and I am prepared to substantiate it in any place. I repudiate the suggestion that its equipment is anything like that, and what is more, we desire to point out that the imbalance that has been created has resulted in insecurity for us and, therefore, the Security Council has the responsibility for implementing the basis on which all these considerations have taken place.

The Government of India alone is responsible for the security of this territory. Therefore, when the time comes—if it should ever come—we should be free to protect our frontiers. That would not be aggression. But, at the same time, I repeat the solemn undertaking that I gave in the Security Council. The Government of India will not move one soldier, nor fire a bullet across the cease-fire line in order to assert its legal, constitutional, moral and political rights. It is still prepared to pursue the path of conciliation, the path of negotiation, the efforts of the Security Council or the influence of time. But that does not mean that we shall surrender any of our rights, because if this happened to us our country would be balkanized and, strange as it may seem, we have a patriotic fervour about its unity.

Therefore, I request that the Security Council would not think that we have not made any specific request in this matter. We believe that a pacific settlement of this difficulty, the resolving of this problem—as it is rightly called in the Colombian amendment—is possible in terms of a different outlook. That outlook cannot be one where the aggressor and the aggressed are treated on equal terms. It is, in our submission, an error to the view, whoever takes it, that the aggression question has been disposed of. It would be a very dangerous precedent for the Security Council to establish that because of the passage of time somebody can reap the fruits of invasion. The position of my Government —whether it be here or in the Middle East or in Central Europe or anywhere else— is that no invading power, no invasion, can be permitted to reap the rewards of invasion. That is our position on Kashmir.

A great deal has been said about the moral position involved in this, and I submit—and I want to submit this with no reservations whatsoever—that the position which we have taken in regard to Kashmir will stand any test of morality. I would like to look at any government and ask whether at a time when its army was marching victoriously it would stop it in order to avoid further bloodshed. I do not say that no other government would have done so; all I am saying is that our Government has done as well as any other.

In regard to Kashmir, we have come here to pursue pacific methods. We are now pledging ourselves not to use force in order to assert our political, constitutional and moral rights and we point out that, within the territory which we are now administering, we have brought the benefits of human rights and civilised existence, and in spite of the fact that Pakistan has the territory, we have taken half a million people who have fled from "Azad Kashmir"—Moslems—since Pakistan occupied it, because of a reign of terror.

I use these words because they have been used against us—and I ask, do you think that it is possible to have an iron curtain in a country where, in the holiday season, 60,000 visitors, including 5,000 Americans, come in? Can you keep any place private where American visitors go in? Therefore, I submit that we have listened to all this patiently. I submit that it is very wrong—and I particularly look to my friend who is smiling at me—to make use of this forum as a forum for maligning a Government which is trying to follow civilised standards. Our people have the right to vote to express themselves. That cannot be said of everybody else.

Therefore, these are requests that we make to the Security Council. It cannot be said that the position taken by India was one where it was evading its commitments. In order that there may be no doubt about it, I say that it will, at no time, resile from any international engagement into which it has entered. But it is not sufficient for the daily press to say what that international engagement is. It is not sufficient even for Member Governments without getting all the facts of the question. There appears to be a difference of opinion in this. Fortunately for us, a Colombian was the Chairman of the Commission. So, the representative of Colombia has taken some interest in the matter. I ask the members of the Council to read these documents. Let the Security Council say that the assurances that have been given after very grave discussion with the Prime Minister, by the

Chairman of the Commission, on behalf of the United Nations, have no value. If the pacts are not to be observed, why should one pact alone be observed?

There is one further point I desire to make and since there is some possibility, Mr. President, of your going out to, what is unfortunately called the sub-continent, I would like to state the following: What is the present position? The present position is that two or three clauses of the cease-fire agreement are observed. That is to say, not desiring to try conclusions or to assert our rights by force, and Pakistan, also being apparently satisfied with the territory that it has illegally absorbed for the time being, there is no fighting at the present time.

But what is the exact position? I would like the representative of the Philippines to think about this because there are some doubts about it. What the Security Council is doing by this draft resolution is that it is trying to hold the ring for aggression: that is to say, it is because of the security that is provided by the cease-fire line that all this has taken place on the other side. The Security Council's resolution, our respect for the Observer Corps, and our desire not to use force in order to assert our rights, are being used as holding the ring for the invader. It is behind this wall, it is behind this cease-fire line, that annexation has taken place. How do I explain to my people why the members of the Security Council, sitting around this table, had not a word to say about the illegal annexation of some 42,200 square miles of our territory?

As I said before whatever may be the defects in our title, how do these people come in? They have no right to be there at all. And the Commission said so hundred times over. The Pakistan Foreign Minister says that the Plebiscite Administrator was not at the beck and call of the Jammu and Kashmir Government; he was not to take orders. But may I say something in this connection as a parallel. We have an Election Commissioner in India. He is paid out of the Indian revenues, but he does not take orders from the Indian Government. He is appointed by the Indian Government, but he does not take orders from the Indian Government. We have High Court Judges in India, who are appointed by the President. They are paid out of the Indian revenues but they do not take orders from the Government. But the reason why it has been put down that the only constitutional authority that could appoint a plebiscite administrator is the Jammu and Kashmir Government, is the assertion by the Security Council, of things being as they are, the sovereignty of the Jammu and Kashmir Government in this matter. That takes us to the resolution. There has been a great deal of criticism of our attitude, fortunately, not in our area. Here I wish to take the opportunity of expressing our appreciation to the press in Burma, Ceylon and Indonesia—I have not had the opportunity to read the Manila press—and increasingly, if I may say so, in Australia. It takes a long time—there is a lot of water between us—for the appreciation of the position we have taken. We believe today, in spite of whatever attitude may be taken for the time being, that we are subscribing fully to the principles of the Chapter. We are resisting the attempt to capitalize from an invasion. We are begging of the Council not to allow a police force which it has put in there—which is what the Observer Corps is. It does not matter what its size is. It is respected to be there as a ring for aggression behind which there can be built up from the ill-gotten gains of a country that has violated international law, that has concealed facts from the Security Council, that has thrown to the winds all canons of decent behaviour and whose representative in the debate has sought to accuse a colleague whom he has known for thirty years. This lies ill on behalf of my friend about India and patriotism. I served it long before he did. Perhaps, I should not have said that. I withdraw the observation. There is one small matter to which I desire to refer before concluding. There has been an attempt in this unfortunate document, this very ill-conceived document, the verbatim report contained in S/PV. 770, to put every delegation around this table at logger-heads with us. In this connection, reference has been made to some discourteous observation that I made in connexion with the representative of Iraq. Of course, certain newspapers in some countries will naturally be only glad to say so. But I must say, in defence of my colleague, that he did keep on saying that he did not understand the language, which he was using, very well. I do not believe that myself. I did not say that he said that. Incidentally, may I say that I have spoken to the representative of Iraq and it is up to him to say what he thinks. But, so far as I can understand, he does not take the same view and I have no desire to enter into a controversy about it. But, since it is written down in the document and will be broadcast in the Arab press, I want to make this position perfectly clear. What did I say? I will read the whole paragraph because it refers to Sweden also. I said the following:

> Now we come to the draft resolution itself. There were two suggestions made by the President, in his capacity as the representative of Sweden. I have not referred to the observations made by the representative of Iraq except to say—and these are important words—that the presentation he has made does not represent the facts of the situation.

So far as I know, there is nothing unparliamentary in it. It simply says that I do not agree with him. They are not facts and they do not tally with facts, but that is not the sentence that he quarrels with. The sentence reads: "It ignores the circumstances but, at the same time, I pay tribute and express my appreciation of his desire to be kindly on the side on which he is not neutral and that is all I can say". I am the side on which he is not neutral. So far as I am concerned, I am entitled to say that. I am entitled to say what is the orientation of his view. He does not quarrel with that. I pay my tribute and express my appreciation of his courtesy.

Then I went on to say: "One must stick to the truth even when one wants to be polite." That "one" refers to me, to Krishna Menon, and not to him. I have to be truthful even if I want to be polite. I am polite in saying that I pay tribute and express appreciation but, at the same time, I must say that this does not represent facts. Now, this is plain, ordinary English as I was taught, and I propose to go to the representative of the United Kingdom afterwards and find out if I am wrong about this. If I may say so, if there was any trouble in this matter, this is really a matter between the Iraqi delegation and ourselves. It is not part of the atmosphere of the Charter to try and make trouble between various members, especially in the present conditions in the Middle East and in regard to the political alignments in which Iraq is involved and in which we are in disagreement.

I have spoken to the representative of Iraq and I would like his countrymen to know that it is far from my mind to be discourteous and I would be severely reprimanded by my Government if ever I was discourteous to him, not that that would happen. There was no such thing intended, no such meaning is conveyed by these words. I am prepared to think that the Foreign Minister of Pakistan may have, in his general disposition to find fault with what I have said, been led into an error. I do not want to attribute motives to him. Therefore, in so far as the matter has been stated, I would, through you, Mr. President, ask the representative of Iraq to accept this explanation—not the explanation, saying that it was erroneously meant in the beginning but the explanation of facts—so that his people may know about them. That brings me to the end of my observations in this regard.

With respect to the draft resolutions themselves, there is one about which I have spoken at length. Our position remains unchanged. The Government of India cannot be a party to the introduction of foreign troops on the sovereign territory of India and the whole of our case rests, has rested, and will rest, upon the view that Kashmir is a constituent State of the Indian Union. Any soldier who sets foot on the Kashmir soil, whether it be in the illegal occupation by Pakistan or under the administration of the Jammu and Kashmir Government as a part of the Union, will, in our view, be violating the sovereignty of the territory unless it is with the permission of the Government of the Indian Union, because defence and foreign affairs are the concern of the Government of India under the instrument of accession.

Secondly, I should like the Security Council, apart from these considerations, to take very seriously into account what it is really proposing. Here is a territory where until now—although there are a lot of people who do not like us—there have been no communal disturbances. There are, perhaps, individuals making trouble but, apart from that, there have never been any Hindu-Moslem difficulties in Kashmir. Progress is taking place and a very large section of the people are against any unsettlement of affairs or interference with them, and it is necessary in the present conditions for the Government to put an enormous amount of effort into reconstruction. Does anyone believe that if the forces of Kashmir police and militia and the supporting forces of the Indian Army—who did not go to Kashmir against the Kashmir people, but went there against the invaders who committed plunder and rapine, mostly against Moslems and Christians, but on others too, of course—does anyone believe that when those forces are withdrawn, it will be possible for such modicum of troops, as may be produced by the Secretary General, to maintain order in the territory? Would they ever be able to have anything other than the character of an army of occupation? Would not this mean that those troops would take over the Government of the country under military administration? What would happen in the Pakistan areas of Kashmir—and I am stating my position which the Pakistan Government denies? We see that the Pakistan side of Kashmir is seething with discontent. The effects of oppression are coming out. There is one party and another; they have the same name for everything, but the country is split from top to bottom on this issue. There is a considerable demand for union with the rest of India because they can see on the other side, if nothing else, prosperity, opportunity and, what is more, the right to elect their own rulers.

It is not a small thing that, in a feudal state of that type, in five years time, they have not only displaced the old Maharajah and done away with the dynasty but have elected another man who has to seek suffrage every five years. Therefore, any conception that the authors of the resolution have in their minds, that they are undertaking some simple operation, something which is practicable, is mistaken and it is my duty, as the representative of a Member State of the United Nations, to remind them that their conception is one which is totally impracticable and is calculated to create trouble in the country, to throw it into civil strife and bring back the memories of foreign occupation.

To take foreign troops into any country that has formerly been colonial is to rub the wounds which are only just beginning to heal, and there can be no question, at any time, that this can happen. The Government of India cannot depart from any of the basic positions that I have stated. Equally, it will not depart from its determination to follow the paths of conciliation and that is why we have said that if your distinguished President, under the authority of the Security Council, or in his private capacity, were to come to India, our hospitality would be open to him. That hospitality, however, does not extend to the terms you are seeking to impose upon us.

They are two different things. Therefore, with certain alterations—if the Security Council found itself a way to follow the line taken by the representative of Colombia—it might be that some other way would be opened. If you are still relying on the resolutions of 13 August and 5 January, making the reservation that we have no intention of violating the cease-fire line, if you are still relying on those, then start with Part I. Let Sir Pierson Dixon address his mind to Part I on the subject of demilitarization. We have no objection to the word demilitarization if it means that, to start with. The other day I read out to you a passage from Oppenheim which pointed out that any treaty which a country might enter into was bounded by considerations of its security, and it is our duty in the present condition not to refrain from informing the Security Council of the threats, of the ultimatums, of the mobilization of troops, of this propaganda of hatred and of the enormous quantity of military material which is being flown into this area.

I wish to make one final point before I conclude, and this largely relates to the moral position which people have spoken about. We do not seek to take up a moral position in the world but the newspapers speak about it. We are only one country among 80, we have no special position of any kind and we must ourselves be able to judge the situation. Reference has been made to arbitration—such a reference has been made several times, not only by the representative of Pakistan but also by others, and it has been stated, with some degree of distress of mind, that at one time we refused to go to arbitration. Again, arbitration is a word like plebiscite which can be bandied about. I have never heard of a plebiscite being taken in one of the constituent units of a Union. I should like to draw your attention to the fact, which I have set out before, that the arbitration tribunal, in this particular case, was asked to set down questions that it was going to arbitrate upon. But there was disagreement in the Commission itself on the suggestion which was only adopted by a very small majority.

There is another matter to which I have not drawn attention largely out of courtesy to the United States and to the United Kingdom, but if you will push us, then we have to speak. This arbitration was a secret offer of the Commission but before it was presented to the Government of India and the Pakistan Government, it was placed at the disposal of the United States and the United Kingdom and President Truman and Prime Minister Attlee, in a synchronized action, publicly intervened. I know both those gentlemen personally and have had many dealings with Prime Minister Attlee, but the intervention made by the United Kingdom and the United States was of such a character that no self-respecting government could have accepted it.

However be that as it may, here was a secret offer made by the Commission which is not under orders of the United States, the United Kingdom or any member of the Security Council, but is independent; why were the terms given to these two Governments, and why were they asked to put pressure upon us, and why was that pressure put in terms in which it was put? What is more, the verbatim text of the secret arbitration memorandum came into the hands of the British High Commissioners in New Delhi and Karachi at the same time, as, or even sooner, than, it was officially presented to the Government of India. How do we tell this to our people even if we wanted to? We have ceased to be a British Dominion—to the advantage of both of us. This arbitration offer was published and was known to the High Commissioners in Karachi and New Delhi even before we knew anything about it. And though much pressure was put on the chairman at the time to make an investigation into the integrity of these proceedings, nothing was done. That is the position about arbitration. Now I say that because, while our main position with regard to that arbitration matter is normally as provided for under the Charter, we should avail ourselves of that procedure. That procedure must conform to international practice. This is not international practice for the arbitrator to decide what are the terms on which he is going to arbitrate. The parties must decide between themselves or there must be some terms of reference; otherwise the whole basis of judicial proceedings disappears. Now this is elementary law. It is ordinary international practice. But, over and above that, these papers were before me when I addressed myself to this matter. I thought it would pass over. Indeed, if only the distinguished representative from Pakistan had not referred to it again, I would not have brought it back. After all, it is his business to do everything he can to present his case. But there were doubts in the minds of other members of the Security Council.

Here is India which is pleading for conciliation in many cases in these buildings and has used its efforts in a moderate way in that direction. When it comes to itself, it refuses to accept arbitration. . Putting it in that way, and that is how it appears elsewhere, it looks very bad. Therefore, we had to review the facts.

First, it was not an arbitration as understood. Secondly, there were pressures of this kind. The action was *ultra vires*. What is more, it was done in a way in which no government could sit back and say: "We are going to accept orders from anybody else." We regard the intervention, made at that time, as improper and we said so. We had no quarrel with it because it was done in the best of motives. Both these gentlemen concerned are very good friends of India. And there the matter rested. Why it should be resuscitated at this stage, I do not know. I apologize to the distinguished representatives of the United States and the United Kingdom for referring to this matter. But they will appreciate that it cannot be one way: even the worm turns sometimes. I say once again that I have spoken on behalf of the Government of India, not in defence but as plaintiffs in this action. We are plaintiffs in this action, we invoke the provisions of the Charter. We asked the Pakistanis to come here with us for a joint settlement. They refused; Prime Minister Liaquat Ali Khan refused. On 22 December 1947, we terminated all that. We came here to take advantage of the provisions of the Charter. We asked this Council to ask them to withdraw from this aggression and to do what was necessary. It is quite true we did not ask you to brand them as aggressors. But that is a fault on our side. If it is a fault then we plead guilty to it. It is a fault which we would not be ashamed of being guilty again. But we came here to ask you to prevent the development of events which would lead to a war between our two countries—for they had been fighting for several months—soldiers who belonged to the same divisions, same companies were on either side, killing each other.

So far as we were concerned, that is why we agreed to the 13 August resolution without any trouble. Pakistan dragged on for five months so it could get military advantages. I want to remind you again that we withdrew from those advanced positions. Does anybody around this table believe that in 1947, soon after the British left India, the Indian Army was not in a position to establish a military decision right up to the frontiers of Kashmir? I do not think anybody believes that.

Therefore, we came under Chapter 6 for conciliation. I think it is a poor service to the Charter, it is a poor service to the confidence that the vast majority, not only of the people of our country, and I make bold to believe from what I have seen in newspapers, that the vast population in our part of the world, share this view. It is a poor service to all of them to leave this matter in such a way that the original factors are forgotten. And then the Security Council fixes its mind upon two words, "plebiscite" and "demilitarization"—two disembodied ghosts who must seek sustenance in a large number of misrepresentations.

What is more, we ask the Security Council to give us the answer that we can give to our people. What is the value of assurances given to us by the Commission on the basis of which alone, and I repeat, on the basis of which alone, we signed these documents? My Government would never have permitted the affixing of its signature to those documents except in the light of these assurances. What would have been the answer of the distinguished colleague from the Philippines if, at that time, we had said: "Oh, No! Your assurance is not good enough for us". Then we would have been told: "You are unreasonable". Were these private assurances? "No, they are in the form of publications in the same way as this is."

I ask the Security Council to reconsider the submission made by General Romulo the other day that we were remiss in thinking that there was something casual about the way in which this was treated. That is not so; it is because we are conscious of the multitude of those people. If there is one thing in our country today, our people, large or small, leaders, big or high or low, they are conscious of the pulse of public opinion. There is this enormous political, civil, social consciousness in our country. We would not by any step we might take, however unpopular we may be at the time, however much we may appear not to be listening to the majority that speaks here, we will not throw our hand in on the side of violence—and this procedure is promotion of violence. There is a duty laid upon you today, not for injunctions upon us, but injunctions upon them to withdraw from the territory, to stop this campaign of hatred. to rescind the provisions of that constitution, to restart local authorities, to place them under a United Nations commissioner in order to enable the Government of India to protect the frontiers of India and the passage routes as are necessary. These are obligations that rest on the Security Council. This is my submission.

III

I am grateful to you, Mr. President, for the opportunity which you have given me to intervene again, but in the interests of the Government of India, I have to say, that, if after the observations which I submit, the representative of Pakistan were to offer observations, I would be entitled to reserve my position to reply to them, since this Council had been convened at the request of Pakistan and the matter has been brought to the Council's attention by that country.

I recognize that we cannot go on interminably answering each other. But we are in a position where, on the one hand, the session had been convened at the request of Pakistan, and the draft resolution is in its support. Therefore, the right of reply rests with us, so far as it goes.

There have been a number of statements made and the position of my Government here, as I have said several times before, is that the Council has kindly invited us under Article 32 of the Charter. Therefore, the Government of India does not propose to take a position on the draft resolution of support or opposition because it is not entitled to do so; but it is entitled to offer its observations as to what it would do, what it thinks about the draft resolution, what the consequences would be. In doing that, I have no desire to make another intervention of any length, but merely to deal with what has been said since I intervened this morning. In so doing, if I may be permitted, I should like to proceed in the reverse order dealing with the last two military allies of Pakistan, the Philippines and Iraq who have spoken, and come to the main proposals afterwards.

I should have said this morning—but for various reasons it escaped my mind—that the representative of Iraq, who made a very courteous and gracious reference to me, for which I am grateful, has brought this matter to the forefront. He used the words, "the single and continuous process".

This arises from the position of Mr. Graham—and again I say that we regret not having heard him at this meeting—so far as my Government is concerned—and it enables me to say two things. First of all, the interpretation of the single and continuous process that the representative of Iraq places upon them is as erroneous as almost every interpretation he has placed on all the Security Council decisions; that is to say, it takes the Pakistan view of it which has not been accepted either by the Commission in the past or is supported by the basic decision arising therefrom. What is more important—and we want to put it in record—the Government of India is no longer committed by any intermediate discussions that have taken place, by any hypothetical propositions that have been put to them, or by any mathematical calculations made by Mr. Graham at various times. All these things were a part of the procedures to find a settlement.

If the bargain had been closed, we would be bound by it. We have been bitten so many times, especially when we just heard the representative of the Philippines, on which statement I shall comment in a moment. We have no desire at all for the Security Council to misunderstand this position. It is wrong to say that some advance has been made in regard to demilitarization. The only advance that has been made in regard to demilitarization—and it would be useful for the Council to know it—is the voluntary withdrawal by the Government of India of large numbers of troops from

Kashmir since the cessation of hostilities—for which the Council has not been gracious enough to say one word of appreciation—without any conditions whatsoever.

So that, with regard to these references to the single and continuous process, the simultaneous withdrawals, synchronized arrangements, all these things and all these words have been differently interpreted by the UNCIP, by the United Nations representatives afterwards, and whatever discussions may have taken place either in New York, Geneva, New Delhi, Karachi, Paris or anywhere, they are all okay, only a part of the historical material; they do not commit the Government of India to anything because there was no closing of any bargains and it should not be said afterwards that where it is advantageous to one side, that is taken as a commitment and, where it is not advantageous, it is pointed out against us.

Therefore, the only engagements from which we can proceed, in so far as we can do so, are the engagements to which we are parties in the context of all circumstances submitted. Therefore, I would like this particular factor to be written into the record, so that in the event of the matter coming up again or having anyone else intervening, whether it is your distinguished self, Mr. President, it should not be thought that now we have gone back on something else because, unless this attitude is taken, it is impossible to discuss anything, any proposition, any exploration; any thinking aloud becomes dangerous because at that moment we will be pinned down to it. What is more, the whole surrounding circumstances have to be taken into account.

I prefer to make no further references to the Iraqi intervention because it will take too long, except to say that the whole analysis is contrary to the facts of the case, contrary to the commitments made by the Commission, contrary to the principles of the Charter and contrary to the assurances given to us. It is a statement of good advocacy on one side for which we have respect but for which we cannot be grateful.

With regard to the Philippines, we repudiate, and emphatically repudiate and will continue to repudiate the position that, the United Nations has not, at all times, been committed, to the position of the sovereignty of the Jammu and Kashmir Government, of the competence of the Government of India, of the Union of India, for its external defence and its foreign policy and for the position that, whatever may happen in the final settlement, until that final settlement is reached, it is a part of India.

That is why a plebiscite administrator had to be appointed. That is why, as I said this morning, we became responsible for law and order. We could go into the other lines but all kinds of things in that way were provided. That is an essential basis. It was not a contingent proposition. My friend, the representative of the Philippines—who, in spite of all differences, is a good personal friend—is entirely in error in the reading of the facts in this matter and we would find no impartial, legal or juridical support for his position. If that position is taken there is no basis for talking at all. Besides, I want to submit to the Council another proposition. As a former Governor of India said: "What is Kashmir, a no-man's land?" My colleague says, in his very laboured attempt to establish equality of the two sides, that neither Pakistan nor India has sovereignty in this place. If it is a no-man's land that would be a very peculiar position. On the other hand, if neither of us have sovereignty, it will go back to the Maharajah of Jammu and Kashmir whose son is the President of the Kashmir State at the present moment. There may be some advantage in that, but we are not prepared to take advantage of it.

As regards the idea that the United Nations has some unexplored territory over which it is going to establish its dominion, may I say that the United Nations is not a sovereign body to do all these things. It is merely a conglomeration of Governments to make recommendations to them, especially under the provisions of the Charter with which we are dealing now, namely, Chapter VI, to seek a consiliation. I submit that the observations made by the representative of the Philippines are contrary to the basic arrangements, to the basic positions which are enshrined in these resolutions, in the assurances and in all the proceedings that have gone on. It has been contradicted by Pakistan now and then, but the Commission has repudiated it. Therefore, there is no agreement about demilitarization.

The representative of the Philippines makes a fundamental error, which he could easily rectify if he reads the resolutions. He says that the UNCIP resolution places both the parties on the same basis. That is exactly what it does not do. It places us on the same basis if it meant that, both of us are involved thereby. It certainly does not place the parties on the same basis. In fact, it is just the contrary. That is the meaning of all that has been argued before the Council, of all the assurances given by Mr. Lozano, as Chairman of the Commission, and words that are written into it and any document, must be interpreted in their natural meaning.

Therefore, the submissions that are made are entirely contrary to the facts and to the law that obtains in this case. There has been no achievement of demilitarization except as I said: a voluntary withdrawal of a considerable part of the Indian Army that was there at the time of the fighting.

That was not done under orders of the United Nations, but because we thought that was the best thing to do. That is the only demilitarization that we have carried out. It is also a part of the general cutting down of our forces. That deals with those two statements.

There is an attempt in the statement made by the representative of the Philippines to establish an equality of status. This is what Pakistan has been trying to do for a very long time, but it has not found such obvious advocates in this Council until now. Now, therefore, we, as the Government of India, completely dissociate ourselves from, and emphatically repudiate these statements in so far as they are contrary to the Charter, contrary to the resolutions, contrary to the assurances and contrary to a good conscience.

That takes us to the two main statements. I will leave aside the statements of the Soviet Union representative and of the representative of Colombia because they are not advocates of the resolution, which is what you are considering. But wherever the United Nations forces appear in its context, my Government has already expressed its position. Therefore, perhaps, before I deal with the statements of the representatives of the United Kingdom and the United States it would be advantageous to me to make this position clear.

The Secretary General is not a jurist; he is not a law-giver or anything of that kind but, when the Secretary General submits a report and it is accepted by the United Nations then it has a different value. And, here I refer to Document A/3512 dated 24 January 1957 with regard to the use of the United Nations force. And this is what the Secretary General said:

> The use of military force (Krishna Menon: There has been no suggestion that it is going to be boy scouts or the Red Cross, or of the order of the Golden Cross or anything of that character) by United Nations other than under Chapter Seven of the Charter requires the consent of the States in which the force is to operate. Moreover, such use must be undertaken and developed in a manner consistent with the principles mentioned under (A) above.

That is, that there should be no change in the *status juris*. Paragraph (A) which I do not want to labour with in the Council, definitely refers to the fact that there should be no change resulting from a military action. It says:

> The United Nations cannot condone any change of *status juris* resulting from a military action, contrary to the provisions of the Charter.

But this is exactly what is being done.

Pakistan invaded by military action—it was not welcomed as a liberator—it invaded the territory and, by annexation, changed its positions and, if the points raised by the representative of the Philippines were to be followed, then this would be an attempt to change the *status juris* as a result of military invasion. Therefore, the Secretary General's authority which has gained sanctity because it has been before the General Assembly is very much a point to be taken into account.

The next paragraph is even worse, from some points of view, where it continues:

> It must furthermore (Krishna Menon: and I am sorry if the Secretary General feels embarrassed by this) be impartial in a sense that it does not serve as a means to force a settlement, in the interest of one party, of political conflicts or legal issues recognized as controversial.

If that sentence is correct, there is no other inapt context in which the United Nations force can be brought in.

Now, of course, it can be argued, that no one is trying to send this force over there to force itself upon us. The answer is twofold—and I am sorry that my friend General Romulo who, by his career and by his knowledge of the problems of law and order, and, perhaps, of disorder, and by his knowledge of these problems has not taken some note of what I said this morning, when he said that the whole plan as put forward by Pakistan, which has now been adopted, "deserves consideration"—"deserves", I suppose, is a kind of phrase that usually has some sanctified significance, some holy merit attached to it. When it was put to us, the whole idea was that everybody else should go away—the Indian Army should go away, the Kashmir police and militia should go away and everyone else should go away and the Pakistanis also, except that of course, the 45 battalions of the "Azad Forces" would still be there. And then there would be a very good "banana fight" in the place.

That is the position, that is to say, who is going to keep order in this place? When the representative of the Philippines tells us that it is not intended that it should use force, I ask what it is going to do there? Who is going to be responsible for law and order in this area? That is our responsibility.

I have quoted Paragraphs A and B, and I will, now proceed to C:

> The United Nations action must respectfully the rights of member Governments recognized in the Charter and the international agreements not contrary to the aims of the Charter which are concluded in the exercise of those rights.

These three Paragraphs A, B and C are conclusive in regard to the inaptness and illegality of this, and what I have submitted in regard to the law and order problem does make the whole thing—I will not use any strong words—totally impractical.

But over and above that, the United States and the United Kingdom, who produced this draft resolution which has now been co-sponsored by others, had both private and public knowledge that the Government of India in no circumstances agree to this. Therefore, to produce a proposition which requires the consent of the parties in the face of our declaration that we will not agree to it, is either to take a view that what we say does not mean anything, or that, their persuasive powers would be so great that we would surrender our principles. I think that neither of those conclusions are justified. Therefore, the head of the Government of India in a public declaration on its behalf said that we would not agree to the introduction of this force and, what is more, would view the introduction of this force even into the Pakistan-occupied area—which is our sovereign territory under enemy occupation, if only an enemy for purposes of Kashmir—as constituting a violation. What is more, I said before this Council, on behalf of my Government, that any Member State participating in the force in so far it acts contrary to the Charter, would be violating our sovereignty and coming in the way of our bilateral relations.

I refer to the Charter and I ask those who are responsibile for this resolution to find me one word in Chapter VI which is concerned with a pacific settlement of disputes in reference to the United Nations force. There is none. Therefore, it is not possible, it is contrary to the Charter. It is only in regard to this, that we want to refer to any amendments, such as those of the delegation of Colombia or any part of the resolution although it is a very much milder proposition than that which has been put forward by the United States and the United Kingdom.

I would like next to refer to the observations made by the representative of the United Kingdom. I would like to say that the statement made in support of this resolution is an attempt, in so far as words can do it, to try and make it palatable to us. Every attempt has been made by the very able representative of the United Kingdom to make this proposition something that we would buy, that the Government of India can tell the people is not too bad. But that does not take away its character. The leader of our country, who created our independence, Mahatma Gandhi, told the Viceroy, Lord Irwin, at that time when he produced a certain form for a settlement:

> It is no use your giving me names, I must take it, I must weigh it, I must bite it, I must sound it, I must taste it and see what it is like.

So we have masticated this during the lunch hour, and I pay my very humble tribute, but a great one, to Sir Pierson Dixon for the great dexterity of language in which this very difficult and unpalatable pill has been presented to us in a most agreeable fashion. There is no doubt in my mind that it is his desire, and the desire of his Government, that we should accept this because, they probably believe that it will lead to something that they want. So far as the United Kingdom is concerned, there is no antagonism to India but, of course, there is a long history whereby the whole of these problems are associated with our two countries.

I would like to refer to page 71 of (S/PV.772) Sir Pierson Dixon's statement. May I say here without lacking in deference to the Council, that, in so far as we have heard them, the debates on the resolution have been largely between the Soviet Union and the rest of the members. So Kashmir does not come in a great deal. But still, there is some reference to the resolution in this speech. Now this is what Sir Pierson Dixon said:

> ...By recalling all the resolutions present, the draft is designed to avoid arguments about the different weight to be given to the previous resolutions. This, I should have thought, would be reassuring to both parties.

With the greatest respect, I submit, that this is exactly what it is not. There is a difference in the weight of these resolutions. The resolutions which parties accept and those which they do not accept are in different categories. The resolutions of 17 January and 21 January, 1948, the UNCIP resolution, assurances given, these are all resolutions which carry a greater weight—that is because we have accepted them. We are parties to them, whether we like them or not. Therefore, to suggest that there is no difference of weight is exactly contrary to the purposes in mind, namely, to create a receptivity in our minds. That is one of the main objections to this resolution that we would have if we were members of the Security Council, namely, that these resolutions have been called to rub salt in the wounds that already exist. They are things we have rejected over and over again. They deny the propositions which have been admitted by the Security Council before and they embody violations of the Charter. That is one point I would like to make.

I am very happy to welcome a statement in Sir Pierson Dixon's observation which says:

> I was asked to say why the resolution of 24 January 1957 had a greater significance than that of 17 January 1948. My answer is that it has no greater significance.

This is the first time in the whole of the debate that a member of the Security Council has stated in terms that 17 January resolution is too sacrosanct. We welcome this and we hope the Security Council will peruse this matter. If 17 January resolution is observed you will be in the beginning of a settlement.

I have already dealt with the problem of the United Nations forces, so it is not necessary for me to refer to the observation that appears on page 72 of S/PV.772 and which says:

> It is surely in accord with the letter and the spirit of the Charter that the Security Council should tell the parties that it believes that this idea might conditionally deserve consideration.

I submit to my distinguished colleague that an idea, if it is submitted, is deserving of consideration. It is recommendation of something contrary to the letter and to the spirit of the Charter and, what is more, is contrary to the very basis on which a solution can be found, namely, the agreement of the two sides. We have definitely said that we will not agree to this. It has been taken up by others and it is put forward as a Pakistan proposal. None of the Pakistan proposals have supported that proposal.

We welcome the statement which is a modification of the previous positions held by the United Kingdom. We welcome it when he says:

> Demilitarization in this context means simply the process or procedures of withdrawing troops as laid down in the UNCIP resolutions.

I want to ask my distinguished colleague, either publicly or in private, if it means that, then why not start with the first part? That is where it was intended to start because it is only after the first part is completed that the second part comes into operation. And it is only when the first and second parts are completed that the third part comes into operation. If demilitarization in this context means the process or procedures for withdrawing troops as laid down in the UNCIP resolutions, then why not do it? The mistake in this matter, for which we are to a certain extent responsible, has been in talking at the wrong end and getting into this higher calculus about quantums and forces and things of that character.

Therefore: "Demilitarization in this context means simply the process or procedures for withdrawing troops as laid down in UNCIP resolutions." May I take it that the United Kingdom now subscribes to the immediate operation of the Clause B of Part I and Clause E of Part I. That is not demilitarization, but is connected with it. I would like to say, and I hope it will be conveyed to the Government of the United Kingdom; I have no doubt it will be, that we cannot accept the view expressed in conclusion that the draft resolution before us prejudices no position because it is merely a request to us for a matter deserving consideration. I ask in all fairness: look into the history of the case. Whenever we have looked at something, we have been told that we have bought it. Now if this idea is introduced in the document which has all the sanctity of the Security Council resolution, we get involved in this matter. Therefore, we cannot agree to the position that it prejudices no position, especially in the view of those colleagues whom the United Kingdom has been able to obtain in support of the proposition. We are grateful that it is more or less agreed on all sides that the Government of India would not be able to give consideration to any matters of policy until there is a new Government. For that we are very grateful, and we express appreciation. The other part I will come to when I am dealing with the last of these observations, namely, the question of its effect.

That takes us to the United States statement. We are here in extreme difficulty, Mr. President. We have kept right through this debate, in view of the sincere attempts we are both making, to establish better goodwill in the world as between ourselves and other people; and in spite of the strong differences that exist between their policy and ours in regard to Asia, when the United States became a party to taking under its protection all the territories south of a particular parallel, we have been very careful not to drag in a great number of matters. Even at this stage we do not propose to lift the whole curtain because the way of conciliation does not lie in saying everything that can be said, but the duties to one's Government demand that what must be said has to be said.

Now, here is a statement that begins on page 61 of this document. I am very sorry my distinguished colleague, Ambassador Lodge, is not present; that makes no difference because it is a statement of the United States Government.

> Now, a cease-fire is in effect. But it is the failure to reach an agreement on the terms of a truce that has prevented further progress towards a plebiscite.

I would say, with great respect, that this totally ignores everything that the Government of India had to say this morning. I think it is deserving of courtesy between two friendly nations that at least those arguments should have been entertained and, if necessary, argued and rejected. Our position is that Part I has not been observed. Now, when the distinguished representative of the United States says "cease-fire is in effect", if he means thereby that there are no hostilities, we agree. But that is not what it says. Part I says "cease-fire order", that is the heading, and what does it say:

> The High Commands of the Indian and Pakistan forces agree to refrain from taking any measures that might augment military potential of the forces under their control in the State of Jammu and Kashmir.

Now, that is what we have been doing for nine years. Therefore, our position as I stated categorically this morning is: it is a violation of Part I and it is the duty of the Security Council, in our humble submission, being parties to this resolution, to take note of it. We have not succeeded so far in getting any expression of opinion from any member of the Security Council which in any way reflects upon the many acts of omission and commission on the part of Pakistan, contrary to the Charter, contrary to the agreements and contrary to the resolutions. Therefore, this is entirely erroneous. We want to enter a caveat against it that we do not accept the position stated by the United States that cease-fire, as far as it means Part I of the agreement, is in effect. It is not in effect. On the contrary, it stands violated and continues to be violated as it has been for the last nine years.

We are told that the four power draft resolution is designed to assist India and Pakistan to carry out the obligations which they have assumed and which they have reaffirmed before this Council. This would be a good occasion for me to dwell on the similar sentiment expressed by my colleague from the United Kingdom. This draft resolution not only will not promote the process of bettering relations and of finding solutions but will hinder that process. It will impose enormous burdens upon our Government in regard to our public opinion. It will have the effect of fomenting communal feelings in India. This draft resolution, I suggest, is just not of a healing nature but one that is calculated to create irritation and suspicion and, what is more, to confirm a feeling in the minds of our people that there is no fair approach to this problem in this Council so far as India is concerned.

These are strong words, but I am asked to say so. I am only repeating what the head of my Government has said.

Therefore, the view that is stated here that this draft resolution is designed to assist India and Pakistan to carry out obligations is a wish which we appreciate—we appreciate the sentiment—but, as far as facts are concerned, that is not so; it will have the reverse effect.

I come to the last of the observations of the United States. Before that, I want to express my regret to my colleague from Australia in regard to what I said about the United Nations forces in Egypt. I notice now that there is only one resolution on which this country abstained. But my statement was cast in a mould that it was generally not in favour of the action that was taken at that time. In any case the argument was that the two cases were not parallel. In one case there was an invasion of Egypt and the purpose of the United Nations forces was to remove the invaders. In this case the invasion is by Pakistan and it is the invader that is inviting the United Nations forces. Therefore, you are not on the side of the householder but on the other side to whom you can give whatever name you like. The representative of the United States tells us: "The United States values its friendship with India and Pakistan". So far as we are concerned, we have no doubt about that. So far as Pakistan is concerned it is not for us to say.

> A reference has been made here to our relationship with Pakistan (Krishna Menon: We have and, I am afraid, you will hear of it as times goes on) the United States is glad to be associated with Pakistan in collective security arrangements and to be assisting it in a co-operative defence effort. We have always attempted to approach the Kashmir problem on its merits and we do not believe that our collaboration with Pakistan in area defence affects the merits of this case.

I think it is a legitimate question for a comparatively large country like ours who are not interested in this area defence and, what is more, have expressly pronounced themselves against it to ask: how can it be a friendly act when the United States intervenes in our area along with its allies with one participant, in what is called, area defence? How does this differ from the kind of protectorate that was proclaimed by Britain and France over the various territories in the past in which they took these territories under their protection? Therefore, we repudiate this idea of area defence.

If this stood alone, it would not matter. But I would like you to listen to this and read this side by side with the view of the Commander-in-Chief of the Pakistan army. Then I think that you, in whatever way you voted—some of you if not all of you—and certainly peoples of the world will begin to understand that here in regard to Kashmir, while resolutions are being passed without any reference to realities, there is being fomented a situation which can lead to a great catastrophe. This is an account of what General Ayub said on 15 December:

> In the event of a major war Pakistan was not likely to send an expeditionary force.

So all this furniture that was sent over is only for domestic purposes. It is not coming to anybody's defence. It is not coming, I say to Sir Pierson Dixon, as the expeditionary force went to the battle of Marne in 1914. It is not going as the Indian army was sent into the desert of Libya. This is a categorical statement. It goes on to say further that it is for the purpose of "the interior lines". Then, according to a report, General Ayub said:

> Pakistan's potential enemies were a good deal stronger in potential and superior in number and equipment. Therefore, we have got to have an army which is standing ready to take the field within a week.

Now, where will Pakistan go within a week? It could not be to the Soviet Union. It can only be next door to us. And we have statements of persons, to whom I cannot make a reference out of respect to the Secretary General, who have pointed out that the enemy of Pakistan lies to the south of Pakistan. There you are, "standing ready to take the field within a week".

It does not stop there. I am not going to read the whole of this. General Ayub continued as follows:

> 'I hope to have an army which is highly skilled (Krishna Menon: And that is the ambition of every general). It is on that that the future of Pakistan will depend.' (Krishna Menon: That is a very pathetic phrase. The report goes on to say) General Ayub said that....the American commitment was to give the Pakistan army the means to create certain units that would balance certain divisions. 'This programme has now been geared in. It is moving splendidly. It is a limited programme.'

The report said that certain number of divisions had been allowed to be balanced.

But there was enough manpower in the army to balance and double the number of divisions though that would perhaps require an enormous amount of money. Therefore, it is not a small arrangement that is being contemplated. According to the report a strong Pakistan army would create an enormous amount of stability in this region—that is to say the purpose, according to the Pakistan Commander-in-Chief, I do not charge this to the United States—"We could control a number of difficult situations in this region". We are probably one of the difficult situations. Are we to assume that the United Nations—and certainly we do not assume the United States does—have come to a position when the stability in the region is dependent upon its army? Stability in that region is dependent upon the economic well-being of the people, upon their contentment, upon the progress of democracy—by conferring, for example, upon the people in "Azad Kashmir" the power to express themselves, instead of supressing them. And here we have a strong statement of the Pakistan Commander-in-Chief that "a strong Pakistan Army would create an enormous amount of stability in this region. We could control a number of difficult situations in this region". I have not come to the best piece of this. It comes now. This is what must worry everybody. The report stated:

> General Ayub said that this was, for the first time, that exercises envisaging the use of tactical atomic weapons were being staged in Pakistan (Krishna Menon: I did not invent this). Hitherto, the Pakistan Army's studies have been confined to studies of atomic warfare in the tactical field. 'To put our observations to a practical test, this exercise is being staged". The conclusions and the technique of fighting in nuclear battle-fields would be evolved from this exercise. 'The exercise is being staged keeping in view the terrain in West Pakistan plains where riverine obstacles (Krishna Menon: There are no rivers on the other side in the way of obstacles, they are on this side. I do not have a copy of a map to circulate but you know where riverine obstacles are); are frequent. The battle has been developing during the past two months. Now the climax is about to reach' (Krishna Menon: This is about the army manoeuvre. A riverine obstacle across which the 'enemy' is concentrated is to be crossed so that the 'enemy' concentration can be attacked from the rear with the tactical atomic weapons.

I ask the Security Council to make its own estimate of whose rear. This is the position which we are facing in regard to the enormous quantity of war material that has gone there. Now, we have, on the admission of General Ayub, a supply of atomic tactical weapons in our area by a country that has pledged itself not to use its advanced atomic knowledge—its considerably advanced atomic knowledge over Pakistan or any other Asian country for that matter—for military purposes. For our act of self-abnegation not to use atomic-power for destructive purposes, we are threatened by the other side with attacks in the rear and, for the first time, exercises are taking place with atomic tactical weapons. Not a needle is given by the United States with a view to attacking us. But, I submit, that with all the power that the United States possesses—moral, physical, political, dollar and everything else—it would be impossible for them to control what Pakistan has, any more than a parent can control the use of a pistol or a penknife by a child. That is the position.

This is our reply to the remarks by the United States about the glory of that alliance. After all, there was no point of introducing it into the statement otherwise. My delegation has gone much further into this field than it had intended to go. The initiative was not ours. We deeply regret this aspect of the matter. I hope that the representative of the United States will not mind my saying this. It is a practice which we derive from the Father of our Nation to tell the other party what we are going to do. Therefore, in making these statements, we have informed the United States delegation that we propose to use these facts.

The Security Council is the master of its own procedure and its own decisions. It has heard many statements; some of which having no relation to facts set out in the documents before the Council. The only question to which thought must be given now is: What is the effect of all this? We came here under Chapter VI of the Charter. There has been no suggestion of using Chapter VII. We have not asked for it. It cannot be used against us because we have not invaded anyone's territory unless, of course, you were to accept the view of the representative of the Philippines, that we have no business in our own area. To carry out that view would take a lot of doing even here. Therefore, the only procedures that can be adopted are pacific procedures. The essence of pacific procedures, Mr. President, is mutual consent; the Security Council after 21 January has, time after time, passed resolutions under the initiative of the United Kingdom, afterwards joined by the United States, and now jointly, which India has not been able to accept. They have been informed publicly and privately that we have been unable to accept them but the Security Council continued to pass resolutions without any reference to consultation, without any reference to the possibility of acceptance, and, what is more, in this particular case, a draft resolution has been presented which largely embodies proposals that have been put forward by one side. This is not calculated to bring about a settlement. We hear phrases even from General Romulo that the two sides must decide on something themselves. But no one is helping us.

The result of this decision and its reaction upon people will be once again that there is no conformity between a resolution and the ethical principles of the Charter, and that something has gone wrong somewhere. That will be the result of this kind of procedure where you speak about demilitarization when the invader has made further conquests and has reaped harvests from them and not a whisper is evoked by the eleven nations gathered round this table. A part of our territory has been forcibly incorporated and over a million of our people are under suppression.

What answer will be given to these matters by our people, who will go to polls to record their verdict? You will know by the middle of next month what our people feel about this.

I say, in all sincerity, that both Sir Pierson Dixon and Mr. Barco, in speaking for Ambassador Lodge, are entirely sincere in thinking that their presentation will assist in getting somewhere. But we are in this problem. How do we convey to our people that the proposal which reflects the views of the side which invades us is a proposal that will bring about a conciliation? It has been said that there is no objection to looking at something even if it is not accepted. But every time we have looked at something, we have been told that we have accepted it. We do not want that to be repeated.

I say, therefore, that the Security Council now takes upon itself another dose of serious responsibility. Let not General Romulo say that I was admonishing. I am here to represent the views of the Government of India. What is more, I am happy, in a sense, that I have no compunctions and no conflict of mind or conscience on this matter. I have read these papers; thousands of pages of them. I have spent nights and days over them and I have no doubt that any impartial and competent examination of these documents will lead to one conclusion only and that is, that the nine years of effort that have been spent by Pakistan in consolidating its conquest and invasion have been in violation of the Charter, that the Security Council has been invoked not in order to bring about peace but in order to be used as a sledgehammer to strike another blow against us. We make no threats. I repeat once again my final words: We shall not do a thing, whatever are our political, moral, ethical, legal or any other rights, which involves the use of force to alter the situation. That is our position at present. What will happen in generations to come nobody can ever guarantee. I would like that also to be remembered, because some of us are drawing close to our end and others will come after. This may go on for a long time.

But while we will not do that, I want to repeat again, that all signs which I read out to the Council in the statements by General Ayub, all information that we have about the massing of these troops, all that goes on in the lobbies of the United Nations, which members may see in the press tomorrow—this is all an indication of the repetition of the processes of 1947. And again we shall be told in this Council that the Indian Army moved in first. I want to be perfectly frank with this Council, as I am sure my Government would want me to be. We have no irregulars, we have no guerillas, we have no bandits—we have no one except our regular army and our armed police force to meet aggression. On the other side, there are irregulars, bandits, people who have committed rapine and plunder, people who raped and murdered others of the same faith, people who talk about co-religionists. They are the pioneers and forerunners of a new invasion. We have to meet them with regular troops and regular troops are identifiable. Let it not be said in the Security Council at any time that the Indian Army moved in first.

I pledge faith of my people that if our territory is attacked, we shall defend it to the last man. All these threats that have been made in this Council will only create irritation. We deeply regret, as my Prime Minister has said, the resolution adopted by the Security Council the other day in regard to the Constituent Assembly—the same Security Council that would not lift a finger when half the territory was incorporated. And here we have done nothing unconstitutional and have made no physical change from the position of 1947.

But there were two resolutions, and Sir Pierson Dixon, in their presentation, believed that we were doing something wrong. He accepted the crisis atmosphere. I, therefore, beg of him to realize that whatever the arrangements he may come to so as to push this thing through and to hand over to India what amounts to a non-conciliatory effort, what amounts to a Pakistan proposal, will not bring about peace. However, whatever the resolution the Security Council may adopt, however hostile it may be to us and however much we may not be able to accept it, at no time has the Government of India said that it would not look at it.

So far as the President of the Security Council is concerned, he is welcome in our country at any time, but his terms of reference have to be examined in a political context. That is why, as people who are most affected by this, we say to you before you take another step which worsens the situation—as the situation is already bad—which feeds the dogs of war, which encourages the forces of conflict and, what is more, at a time of great national election when 200 million people are in the process of political awakening, which conveys to them the feelings which have relation to communal tensions, to Hindu-Moslem feelings or the intervention of other peoples or past relations of Britain with India, or theories about relations with other countries and with regard to military alliances, that all these things are fraught with great danger.

We have no right except to plead, because we are not members of this Council. We cannot give you counsel. You have asked us to express our opinions and our opinion is that this is a step fraught with danger.

IV

I am deeply beholden to the President and to the Council for their kindness in allowing us a few minutes in which to think this matter over. We think there is considerable merit and cogency in the statements made by the representative of Columbia and the representative of the Philippines to the effect that, at this stage a further detailed debate consisting of answering controversial points raised is not only not of value but perhaps not appropriate in view of the protracted proceedings. It is the intention of my delegation, therefore, not to take that course.

Thanks to the very kind courtesy of the Pakistan delegation, we have been able, during the recess, to look at the script of the statement which the Pakistan representative made before the Council. It is necessary, for the purposes of record, for us to say that we dissociate ourselves totally from a large number of statements contained in it—the approach that is made to the problem—and to point out the fact that the statement itself really reopens the whole gambit of discussion and that, therefore, any piece-meal reply to it would be unsatisfactory. I shall, therefore, confine myself to the draft resolution that is before us.

With regard to this draft resolution, the position of my Government is what I have repeated several times before. We are not members of the Security Council; we are not asked to offer observations. We have already referred to many of these facts. It is my duty to tell the Council that the draft resolution will be communicated to the Government of India and that the Government of India will take it into consideration with such advice as we are able to receive from you, Mr. President, because the draft resolution places you in a particular context.

The statements made yesterday by the delegations of the United States and the United Kingdom—or other statements—do they form part, in any sense, not of the draft resolution but of your mission? So far as we are concerned, there are several points which we have to make clear and I shall do that in very few minutes. First of all, the only resolutions in which my Government feels engaged—and I use the word "engaged" deliberately—are those which it has accepted. For, the resolutions passed by the Security Council under Chapter 6 of the Charter have no binding effect upon Member States unless they consent. We have rejected them, and, indeed, the Commission, after our rejection, had proceeded on the basis that we had not accepted them. Therefore, while we cannot object to this exercise by the Council of recalling resolutions, what its value is would be for the Security Council to decide in future.

We deeply regret, what is in our opinion, an unnecessary and provocative pinpointing of the resolution of 24 January 1957, especially as the generic phrase "the previous resolutions" had been set out. The same applies to the words "having regard to the previous resolutions of the Security Council". My Government freely confesses that the Security Council must have regard to its own resolutions, but so far as Member States, which are not members of the Security Council are concerned, when proceedings under Chapter 6 are being pursued, its relevance to them is based only upon consent. That is all there is to it.

I wish to state that our approach to this problem is based upon the following and fundamental considerations which have been advanced before the Security Council from 1 January 1948 until 20 February 1957:

First, the State of Jammu and Kashmir is a constituent unit of the Union of India by law, by equity, by every moral and political consideration, and the only authority that can legally separate the State is the sovereign Indian Parliament. This is not only municipal law but the law which must be recognised as international, more particularly by the delegations of the United States, the United Kingdom, Australia and France which have recognised, in their legal systems, that municipal laws which obtain general currency automatically become part of international law.

Secondly, there is the principle that the territorial integrity of the State of Jammu and Kashmir is inviolable. We cannot accept the situation of a so-called *de facto* occupation mentioned in the statement of the Pakistan representative. The sovereignty of the Jammu and Kashmir Government over the whole area, the responsibility of the Government of the Union of India for the security of the Union as a whole, are basic factors from which we cannot depart.

Neither can we, at any time, abandon the commitments we have made in the light of the deliberate and public assurances given to us which are part of the consent that the Government of India has proferred to the propositions placed before it.

Equally, in conditions of today, India cannot afford to disregard—as no country can, in conditions in which we live, afford to disregard—the internal and the external security of our land. And under that reading there must be included in account the enormous amount of war material that has come into Pakistan through the United States military aid and which includes, as I said yesterday, either the present or the future possibility of the use of atomic tactical weapons to which the Commander-in-Chief of Pakistan referred.

These and other factors set out in the statement I made yesterday, on behalf of the Government of India, are part of the approach of the Government of India to this problem. At the same time I repeat the two propositions:

First, the President of the Security Council will always be welcome in India. The hospitality of our land and the courtesies of our Government will be at his disposal.

Secondly, India is not in a position—and I say this not without any desire to cause delay—to consider any matters of high policy until a new government is established in the country which will take place, at the earliest, in the latter half of March.

I shall not take the time of the Council any longer except to reiterate these conditions. But it is appropriate to point out two things; any new attempts in this direction, if it is even to open the first pages of a new book, have to start with the calling off of the dogs of war, of hatred. We will not sit under the crusade of a "holy war".

I want to invite the attention of the United Kingdom representative to a despatch that has come from Muzaffarabad in west Kashmir, which is Pakistan-occupied area. This despatch appeared a few days ago in the *Daily Telegraph* of London. It points out that the "Azad Kashmir forces", which are technically under the Pakistan General Command, are stated to number 35,000 and it goes on to say that Minister of the "Azad Kashmir Government" "claimed that this figure could be increased overnight to 80,000 of whom 70,000 are trained ex-soldiers".

These are all well known facts, as are facts about the vast quantity of ammunitions of war material that has flowed into Pakistan, and they are to be considered against the background of the statement made by the Pakistan Commander-in-Chief about atomic tactical warfare in order to deal with the enemy behind the "riverine" area. I am sorry that Ambassador Lodge was not here last evening but I am sure this has been conveyed to him.

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In those circumstances the sovereign duty and responsibility of any country is to look after its security.

Finally, I should like to say I will take steps to communicate the resolution to the Government of India which will take it into consideration as soon as a new Government is formed after the General Elections.

I am not going to make another statement. There are a couple of sentences I wish to add to my previous statement.

One is that, whatever I have stated today, on behalf of the Government of India, is not in any sense to be regarded as superseding the statements made over the past several days but as only arising from them, and the whole of them are relevant in any future consideration.

Second is the point which escaped my mind as I was not speaking from notes. It is that, whatever consideration the Government of India may have given to or even whatever provisional sympathies it may have expressed with certain proposals of exploration during the last seven or eight years, they are not binding upon our Government for two reasons. First of all, they arose in the course of long discussions with all surrounding circumstances that have taken place in different conditions—and whether friends around this table like to accept the view or not, changed conditions have to be taken into account. Therefore, no exploratory, hypothetical or provisional considerations or propositions that we might have put forward or entertained or considered or viewed with sympathy in the past, are binding upon our Government. My Government is most anxious that, in no circumstances, should we lay ourselves open again to what we regard as an erroneous suggestion that we are going away from commitments. Therefore, we have to be doubly careful in any exploration of this kind.

I want to thank you, Mr. President, and the Council, for the patient hearing you have given to the views of the Government of India. If, in the course of arguing a very legitimate but a difficult case before a comparatively hostile Council in regard to our point of view, we have had to take up firm positions and reiterate them with a degree of firmness, I hope we have not said anything that may be regarded as unparliamentary or that has caused any ill-feeling and that discussions in the past few days will have assisted to clarify the problem and the position of the Government of India.

Finally, of all the people around this table and of all the Member States of the United Nations, our Government, our people are far more concerned about the safety and stability of our land and the millions of people that inhabit it. At no time, in rather strenuous circumstances in which we live today in our part of the world, can we throw that consideration to the winds.

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